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[10:13:06 AM]

Mayor Adler: All right. Are we about ready? Looks like we have everybody here. We're going to begin with a -- an invocation. I reverend chuck Freeman here from free souls church in round Rock? Would everyone please rise?

>> Yes, sir. So good morning, council and congregation. Can I call you a congregation? I'm not going to pass the basket. Don't worry.

[Laughter] Please join me together in prayer. On this day of Texas' Independence, oh, god, where the winds, the hurricane winds of fear, of bigotry, of callous indifference are blowing mightily from the white house to the state house, I want to encourage the council and this city to live by the ancient teachings, treat the foreigner among you as a citizen, treat them as you would treat yourself, for you, too, were once foreigners. And so I ask for continued strength and courage and fortitude and the spirit of Texas Independence and conscience to move forward in this council and in this city, that we might live by the wisdom of the ages and not by the nonsense of the moment. Give them humility and strength in their cosmic calling, that this place may truly be a land of the free and a home of the brave.

[10:15:15 AM]

We offer this prayer this morning in the name of all that is good and sacred and holy. Amen.

>> Mayor Adler: Ms. Houston, do you have an introduction to make this morning? Houston thank you, mayor. I'd like to welcome Dr. Terrence Allen. Would you please stand? Assistant professor in the school of social work at the university of Texas, and his first-year students in the social policy class, would you all please stand? They're here to observe the policy development process understand a gain insight into how policies are implemented to provide services to individuals from our communities. Welcome and hope you enjoy.

>> Mayor Adler: I also want to take just a quick moment before we get started to recognize sue Edwards, assistant industry assistant city manager, who is with us today. This will be I think her last city council meeting. She retires this weekend. It is hard to imagine city council and government without you. You have done so many roles in government, your fingerprints and shaping are on so much of what happens in this city and what we see in this city. I also know that you've tried to get away from doing this before unsuccessfully, to the city's benefit, so even while we're accepting this retirement, there's part of me that wonders whether it will really stick, and I know that even with the retirement, you're going to help on some special projects, and on behalf of an incredibly appreciative community for everything you have done for so long, I wanted to say thank you.

[10:17:37 AM]

[Applause] And we congratulate Sarah Hensley for moving up to the assistant city manager rank. All right. That said, we're now going to convene the city council meeting today. It is Thursday, March 2nd, 2017. We are in city council chambers here at 301 west second street. The time is 10:18. And we're going to call this -- call this meeting to order. Let's take -- we have some changes and corrections to read into the record. Items 2, 23, and 24 were unanimously recommended by the electric utility commission on the vote of 9-0 with two vacancies on February 27th, 2017. We are going to postpone items number 15, 27, and 44 until March 23rd. That's 15, 27, and 44. We also are noting in addition a sponsor to item 31, mayor pro tem being added as a sponsor. On item 38, this -- there was a typo. This is approving a resolution directing city manager to recognize the February 15th, 2017 memorandum on item, it said 56, but it should have said item 61.

[10:19:52 AM]

Item 39, we're adding councilmember Garza as a co-sponsor. Item 40, 62, 63, and 64, that's set at 2:00 P.M. I just want to let people know that there's going to be a request that we take no action prior to 6:30, but I would suggest to the council that on both this item, saltillo and Austin oaks, that if people are here in the afternoon, that we give them a chance to speak in case they can't be here in the evening, so we won't set it as a time certain for later in the day, so that we have the opportunity for people to speak. But we won't take any action until we call them up in the evening. Evening. Item 54, a valid petition has been filed in opposition to the request. Item number 61, just notice that at its 2 o'clock call, the councilmembers kitchen and pool are going to request a 4:00 P.M. Time certain on that matter. All right. Let's take a look and see what is being pulled here. Our consent agenda today goes from item number 1 to item number 41. I'm showing that the items they get pulled are 8 and 9 by Mr. Flannigan, 25 and 26 are being pulled for discussion -- discussion items. Only one of the two would be approved, on 25 and 26.

[10:22:03 AM]

Item number 32 is being pulled and set for a 2 o'clock time certain. And for that reason then we're going to pull item number 34, and I'd recommend that we set that at the same 2:00 P.M. Time certain because we're only going to get to number 34 if 32 does not pass. Item number 44 -- I'm sorry, item number 34, then item number 40 is being pulled so that it can be discussed with item 62, 63, and 64. So that one's pulled as well. We have item number 22 that has been pulled for speakers. I understand that staff has a comment to make on item number 28. Is staff here for that? Was there --
>> Mayor, I think there's late backup that's just been passed out on the dais in a yellow sheet. Is there something further?
>> Mayor Adler: Should we pull item 28? Okay. Let's pull item 28. Okay. We have -- so the items that I have being pulled now are -- it should be noted that 15 is going to be postponed till the 23rd.

[10:24:11 AM]

27 is also being postponed till the 23rd. I have 22 being pulled. Are we pulling 25 and 26? We're pulling those for discussion. So 25 and 26 are pulled. 27 is being postponed till the 23rd. 28 is being pulled. 32, 34, and 40 are being pulled. Anything else at this point? Okay. Ms. Houston?
>> Houston: I have a quick question on 16.

>> Mayor Adler: Okay. And while -- is that for staff on 16, Ms. Houston? Okay. While staff is coming, let's pull up some of the speakers that are signed up to speak on the agenda. Mr. Peña, are you here? Is Gus Peña here? Is David King here? Do you want to speak on -- I have you on number 7.

>> Through, mayor, mayor pro tem and councilmembers. I'm speaking on item number 7 about the lesbian, gay, bisexual, transgender, queer, leaving one other one out -- advisory commission. I think that's important. You all know that despite the gains we've made in the United States and Texas, begrudgingly and having fought hard to get there, there's a risk that we're going to pack track and we're going to have to relive some of these problems and some of these challenges that we've been through for decades. And so I think it's appropriate and important that this commission be established so that it can inform you about the impact that these policies that we may go back to would have.

[10:26:11 AM]

And you may know that the Texas supreme court is right now considering backtracking on granting same-sex benefits to -- granting benefits to same-sex married partners, and -- which we thought we had won that, and now we're going to potentially go back on that. So although we've made some gains, there's a chance that we're going to backtrack. And there's still more gains that we need to make. There's still more problems out there that we need to look at and focus on. So I appreciate councilmember Flannigan for bringing this forward and taking the initiative to make this an important priority, make this one of your first resolutions, so congratulations. Thank you for doing that. And I hope that this council will support this unanimously, and I look forward to the work of this advisory commission. Thank you very much.

>> Mayor Adler: Thank you. Ms. Pool?

>> Pool: I also -- after we answered the question for councilmember Houston, I also wanted to make a quick comment on item number 33, which is the violet crown festival.

>> Mayor Adler: Okay. Is someone here to answer Ms. Houston's question? Which number was that, Ms. Houston?

>> Houston: Number 16.

>> Mayor Adler: Thank you.

>> Houston: Thank you, Ms. Hayden. Go ahead.

>> Good morning. Stephanie Hayden, deputy director, Austin public health.

>> Houston: I just had a quick question about the services that are being provided in this item, and how are we tracking the performance measures?

>> Okay. Basically, this is like a comprehensive service because it is permanent, supportive housing. So it houses individuals that are chronically homeless, and then it provides supportive services such as case management, which will look at the patient from a holistic lens. So if a patient has a medical concern, as well as they could have mental health and psychiatric problems, and so it is a more holistic approach, very intensive, very low ratio, probably roughly about a twelve to one ratio, because sometimes the individuals require 24-hour assistance.

[10:28:36 AM]

Now, with the performance measures, typically when they began working with the clients, there's a pre-test to kind of see where they are, determine their needs, and then there's a post-test as they continue to work with them. There are reporting requirements to the department, and we track those in our -- in our client tracking system. So that's how the performance is tracked. And we report that information to the state because this is an 1115 waiver-funded project.

>> Houston: Thank you so much.

>> Thank you.

>> Houston: That's all, mayor.

>> Mayor Adler: Thank you, Ms. Houston. Just a quick comment on item number 38, councilmember kitchen, I want to thank you for moving this forward and for convening the neighbors -- obviously, we have a Thornton road issue coming up today. It's a tricky place and a tricky area, and I want to thank everybody that participated in that process. And I note that in response to some of the questions that were asked at the work session, you've made changes that have now been incorporated into the document that is on backup. There were some questions that were asked about the process here, as compared to a small area plan. That's not what this was intended to be. It wasn't really time, or the ability, I guess, to be able to do that here. The conclusions and the answers to the neighborhood I think are real important and should provide real, valuable guidance to -- to everyone, staff included, that looks at this area. Little different than a small area plan. Small area plan probably would have dealt with larger issues and larger area and would have had a little bit different context. They could have had influence on the outcome, if that had been the way to go.

[10:30:38 AM]

Obviously, it would have been a longer time with more stakeholders and the possibility to consider the feedback from people that were outside the area, including from all over the city. But for what this is, I think it is really valuable, and this whole Thornton road area has been one of the tougher ones for us to be dealing with, so I thank you and the neighbors for their -- for their work here. Mr. Casar.

>> Casar: I'd like to say the same, thank you for having worked on that throughout work session. And I think it is really important for those folks that are living in the area and also looking to redevelop the area to know about this hard work and know what some of the expectations are of people who live there, and provide guidance, and I think that you have well-defined what guidance means here, which it is meaningful, while not being placing specific conditions on properties as we do that sort of through the flood process, which is a differently process. I think this is innovative and important work, and I appreciate the clarification.

>> Mayor Adler: Okay. Any further comments? All right. I have the items that are being pulled as items 25 -- 22, 25, 26, 28, 32, 34, and 40. I'm sorry? And 8 and 9, I'm sorry. Let me do that again. 8, 9, 22, 25, 26, 28, 32, 34, and 40.

>> What about 16?

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: I wanted to just say something quick about item 33.

>> Mayor Adler: Okay.

>> Pool: When -- is now a good time?

[10:32:40 AM]

>> Mayor Adler: Now would be good.

>> Pool: Okay. Great. So item 33 is the annual violet crown festival and it is sponsored by the violet crown community works and it's may 6, 2017, at brentwood park. Everybody is invited. It's a lot of fun. I wanted to thank my colleagues for helping me to be able to waive the \$950 worth of city fees for this community event. It brings a lot of community building and a really good time for kids and families and - throughout the city. So thanks so much to everyone on the dais for helping with this. And y'all come to the violet crown festival may 6th.

>> Mayor Adler: There a motion to approve the consent agenda? Ms. Garza makes a motion, Ms. Houston seconds. Any discussion or notation to be made in the record? Mr. Renteria?

>> Renteria: Yes. I just want to go on record saying I'm going to be voting for approval of item number 37, but I just want to state that if there's any way that -- if we can bring this as fast to be the first item to be studied and bring it back as fast as possible because, you know, we do have plans to develop that area, and it's a great opportunity for Austin -- not only Austin, but central health, it's going to provide a lot of resources and very needed money for our health system. So I just hope that we -- we study this and make this the first study so it can come back and we can, you know, work on what we need to do for this project.

>> Mayor Adler: Okay. Ms. Troxclair.

>> Troxclair: I just want to be shown voting no on items 2, 3, 10, 28, and 35.

[10:34:47 AM]

>> Mayor Adler: Okay.

>> I have a clarification question on 37. I thought there was a change that did have it coming back quickly. Is that correct?

>> Mayor Adler: Ms. Houston?

>> Houston: I'm sorry, councilmember, I didn't hear anything that you said.

>> Mayor Adler: She wanted confirmation that on the capital view corridor, coming back to us today, is the proposal to set an earlier time frame for that one --

>> Houston: Yes. It should be in your backup. They're coming back no later than March 23rd, to our March 23rd council meeting, and we've also asked for some additional time till August 17th for the additional corridors because staff is saying that compression would be too quick. So they're going to get the rosewood courts corridor done first, then they'll work on the others.

>> Thank you.

>> Tovo: I wanted to ask about something that got pulled but I want to ask so I have a sense where we're going on it. Item 34, you said you pulled it to be taken up after 2 o'clock to consider the other item that includes it. You talked about some amendments. I don't see them in the backup.

>> Mayor Adler: We'll be handing them out this morning so you get to see that.

>> Tovo: That would be great. Thank you.

>> Mayor Adler: And I think we addressed all -- I think we addressed all the comments that were made, mayor pro tem. All right. It's been moved and seconded to move the consent agenda. All those in favor, please raise your hand. Those opposed? It passes unanimously with the notations made. Let's then -- then continue on. Let's deal with issues 8 and 9 everything the expedited 9, the expedited permitting items.

>> Casar: Mayor, in order to give context to the item I'd like to make motion for approval.

[10:36:54 AM]

>> Mayor Adler: That's fine. Go ahead and make the motion.

>> Casar: I move that we approve number 8 and number 9, along with this amendment that I'm handing out, and with some direction to the staff, that the staff has already agreed to. And if I get a second, I'll explain that motion.

>> Mayor Adler: Is there a second? Ms. Garza seconds that motion. Mr. Casar?

>> Casar: So this is putting into ordinance the requirement that commercial buildings with over seven and a half million dollars in valuation abide by the certification programs that provide better working conditions on projects. We've gotten requests from the real estate council and workers advocates for there to be various modifications to this. And in discussions with representatives from rica and discussions from workers defense project, the place where I think everybody has come to a neutral

understanding or a supportive understanding is the real estate council wanted there to be a website on the city's page on expedited permitting where applicants that want to participate in the program can see what the requirements are. My understanding from the staff, and they can confirm, is that they are ready and willing and planning to do so, and the folks from the real estate council also wanted within some period of time for us to take a look back and see what this program looks like, and how many folks have participated, and the staff has communicated to me that reporting back to us and providing us a pretty comprehensive report of the first 18 months of the program is something that the staff could do. And so -- and my motion in passing this, my intention would be for the staff to do those two things that were asked. The workers advocates have asked for -- for it to be clarified in the ordinance that similar -- that programs that might be similar to the better builder program be adopted by the council and added in, if there are such similar programs, and so I've included that as an amendment.

[10:38:59 AM]

And finally, the real estate council has been asking for the exemption for buildings to go higher. Workers advocates have asked for the exemptions to go lower. But with this package of changes, I think everybody is okay with leaving that at the staff recommendation, which is also the Austin independent business alliance recommendation on square footage. So with that sort of compromise, my understanding from representatives of the real estate council is that they are neutral and that the workers defense project remains supportive of us moving forward. So if anybody has any questions on that sort of batch of amendments, I'm happy to answer them, but that puts us at a place where we are making one amendment to the ordinance to clarify intent and giving direction to the staff to bring a report in 18 months and to sort of move forward with clarifying these standards on the city's page.

>> Mayor Adler: Mr. Flannigan, you pulled this item. I'll let you go next if you want to.

>> Flannigan: Yeah. I -- I took a lot of the input that we heard on Tuesday to heart, and I think the better builder program is amazing and its details are, in many cases, basic and obvious, and it takes the hard work of advocates and community groups to make -- sometimes make basic and obvious things rise up to the dais. And so I'm really grateful to the hard work of workers defense project to daylight this better builder program and show that it's something our community can and will and should support. I think the end of this will be passage, but the process I think is my question. Based on conversations on Tuesday, it became clear to me that it's better to implement the policy details and not the programs of an independent outside group. So my -- my other -- my motion sheet that I passed out goes a different direction, where it strikes better builder from being cited specifically as a branded program and just codifies the details of that program so that we're not actually contracting with workers defense project to implement better builder, but the city is codifying these requirements, and that they can be implemented in the permitting process as we would permit anything else.

[10:41:17 AM]

And so that was the point of the motion that I've made. It's obviously none of the details, a through F, are changing, it's ultimately that I think it's better as a policy matter to implement the details of requirements rather than contract through ordinance, which is what it seems like to do the other way.

>> Mayor Adler: I'm sorry, we have some people that have signed up to speak in favor of this. Mayor pro tem?

>> Tovo: I just had a quick question, and I don't know if councilmember Casar or others could fill me in on this. It does take us in a different direction, so if there's additional conversation about this -- about the better builder element, I'm happy to defer my question. But I'll just launch into it, seeing -- since that's where we are. Councilmember alter had asked the question about how a development with

multiple buildings that maybe may not be -- in which the individual buildings may not hit 75,000 square feet, how that would be treated. And the response came back that they would not be treated as requiring -- requiring -- they would be exempt from the worker protection certification. And I wondered if -- what the conversation had been like around that, and whether there are options for treating developments that are clearly cohesive developments, but include multiple buildings that may fall below that threshold as a unified project for the purpose of the worker protection requirements.

>> Casar: My understanding would be that I would be open to a language that could get us to the place where somebody is building over 75,000 square feet or over 7.5 million valuation, that that be the standard. And so -- collectively. So I would be open to -- personally, I would leave it, of course, up to the dais -- would be open to that as being included.

[10:43:22 AM]

Because I think the point of that level of valuation is that, just like a density bonus program, it has to be calibrated such that bigger projects that stand to benefit more are more likely to utilize the program, and whether you're 75,000 square feet, in one building or two buildings, seems to me that that should apply. So if there's a way we can clarify that, I would be open to -- I'd be supportive in including that.

>> Tovo: Thank you. And I appreciate councilmember alter -- I appreciate your having raised the question. I don't know, and I guess this would be a staff question, whether that creates -- whether it's logistically challenging, because of the timing of some of those buildings, and so, too, I guess I would like to councilmember alter. It sounds like you've been thinking about this, so I don't know if you have information to add here, too. And I see Mr. Gonzalez as well.

>> Council, Rodney Gonzales, director for development services department. I think you are waiting for a comment from councilmember alter?

>> Tovo: If she had one to offer, but --

>> Okay. All right. Yes, from our perspective, it would be difficult to administer. We want a program that is simple, that is easy for our staff to go through. What we don't want to do is get into a situation where we have a project that is a phase development over multiple number of years, to where somehow we have to track that cumulative total of the development, because we certainly wouldn't want to miss a project or miss a building. I can tell you that if there are several buildings that come in as a project application, we are going to look at that at the 75,000-square-foot threshold. If they come in as an application. But we have development projects that span multiple years, three, five, ten years, and for us to try to monitor the cumulated total of whether or not those buildings exceed 75,000 square feet, we certainly don't want to get into a situation where we inadvertently miss one of those buildings.

[10:45:23 AM]

>> Tovo: Mayor, if I may ask a follow-up question.

>> Mayor Adler: Go ahead.

>> Tovo: The response, though, within the Q and a seemed pretty definitive: A development with multiple buildings that cumulatively exceed 75,000 square feet would not be subject to worker protection standards, because permits are issued per structure. And so --

>> I think it's a difference in the way that we use terminology because the way that it's structured in that sentence, development to us means a particular development project with multiple phases. If the question -- sentence says a project application, with multiple buildings, under 75,000 square feet, the response would have been yes, that those thresholds would apply. But I think it's the difference in the way that we use the terminology because if it is a project application, with multiple buildings under

75,000 square feet, that cumulatively total more than 75,000 square feet, yes, we will apply those standards.

>> Tovo: I guess that there's more thinking about it. I really hope that we won't see projects coming in that are sort of divided into two different project applications with under that square footage. I mean the intent here, I hope, will guide staff's response to those, and maybe the best option is that there's a need to come back and add language -- I certainly don't want to close it down, but if there's -- it may be that we need to come up with some language to make sure that --

>> And we do get development projects like that. For instance, like the pud projects that we have, they're developed over time. We might get a building application ten years after the initial start of those pud developments. And so for that ten years, you know, then we would have to track the cumulative total of all those buildings to see whether or not it exceeds 75,000 square feet. And so for us, what we're looking at is specific project applications. If we did get a project application with three buildings over 75,000 square feet, we certainly would implement this ordinance.

[10:47:26 AM]

>> Tovo: And there may need to be language crafted, particularly for puds, because in most of our puds they likely will have more than 75,000 square feet, I would think, by the time the project is completed. So maybe the threshold for pud applications -- [audio difficulties] -- Would fly from the very start of that project.

>> As I started my conversation, also, we want to make sure that it's a simple program to administer. For us, we're also talking about a tracking mechanism for tracking all the development for that particular -- or all the projects for that particular development. From my perspective, like I mentioned, I'd like a simple program, one that's easy for us to administer.

>> Mayor Adler: Okay. Yes.

>> Kitchen: I'm concerned about the discussion we're having because I think the intent of over 75,000 square feet would be for the whole project. So what you're describing is a mechanism that could inadvertently not follow that intent. So it sounds to me like we might need some clarification. But here's one question that I have. Would you not know at the beginning of a project what the anticipated build-out is supposed to be, over time?

>> We certainly will. Now, what we don't know is whether or not that development will occur, because we certainly get plenty of plans that say here's our anticipated build out.

>> Kitchen: Uh-huh.

>> But whether or not it does get done is dependent on the market, is to whether or not those buildings get done. But, yes, we certainly do have that information at hand.

>> Kitchen: Well, I think we need some clarification because, otherwise, it's quite possible that the larger developments, this this is intended to address, wouldn't be under the scenario that you're laying out, because it sounds like the larger developments would be broken into pieces.

[10:49:36 AM]

So I'm not sure what the appropriate clarification is, but ...

>> Casar: My -- I think I understand this better now, which is that on those larger developments, you're going to have largely buildings worth over 7 and a half million dollars. And on those larger developments, the idea -- my -- what I was concerned about when I heard the question was if somebody submitted a permit application for two buildings at once, that it wouldn't be included. But it sounds like if they submit an application for two buildings, they will be included.

>> They will be.

>> Casar: It's just if you submit one application for one building, then a year or two later you submit an application for a separate building, those are separate. And in my understanding, that is appropriate for the 7.5 million valuation, and for some of these puds that we're talking about, especially the ones that we've seen as of late. You're talking about 30, 50, and \$200 million buildings being built separately, each and apart, being well over 7 and a half million dollars in valuation. I guess my concern was if somebody sent you a building application where you had two \$5 million buildings side-by-side, that wouldn't count. But what you're saying, that does count if they submit them.

>> Kitchen: I'm sorry, help me understand, how is it that counts if they come in two different times?

>> They're coming in as one project application for us to review both buildings or three buildings at the same time.

>> Kitchen: Okay.

>> So when we get them together, of course we're going to apply those standards if it exceeds the threshold. My concern was that we get one building one year, and ten years later we get another building, and then we're supposed to monitor the cumulative total of those buildings in year ten, then we also -- we also have to enact that threshold when what we're looking is a project application basis.

>> Mayor Adler: Yes.

>> Alter: So if I understand it, if I'm a builder and I decide to put in my application, and I do 35,000 square feet that's under 7 million on January 1st, and on July 1st, I do another 45,000-square-foot of something that's under 7 million, and each of those cases and for the projectors I would not be required to follow the better building standards, but I would still be able to take advantage of the expedited permitting?

[10:52:02 AM]

>> We are looking at project application, and I know that we're trying to solve for every single scenario, and that's going to be difficult. You know, the most I can say is that we're looking at project application. We certainly don't want someone to purposely try to avoid these rules. We don't want that. I'm sure you all don't want that as well. And so we're looking at project application. But we can't resolve for every single scenario that is going to be out there.

>> Alter: Would you know when they -- normally, would you know that anticipated square footage would be exceeding a certain amount across the larger project, even without a project application that included both buildings?

>> Going back to councilmember kitchen's earlier comment, yes. If there's a development project that they've already submitted for a site plan application, we know the full development of that project. And then what we will get is we will get project -- we will get building applications within that development over a period of time.

>> Alter: Right. But if I have a site plan that covers more than the 75,000 square feet or more than the 7.5 million, then I go to the permitting stage, and I'm putting in application only for one building, do I have to -- and my site plan says I'm more than 75,000 square feet, and more than 7 and a half million, but my project that's the one I'm putting in for my permit being doesn't, what happens then?

>> Yeah. So in that case, the project application is what we're looking at. Not necessarily --

>> Alter: Okay. Then I think that this is not ready because we have just given the developers the ability to avoid this process at every turn, as I understand it right now, and I welcome the opportunity to be -- to be misproved on this. But we just spent time talking about the traffic mitigation, and that we have to do this process because they're gaming the system and building buildings that have 275 units because it keeps them under the 2,000 trip cap.

[10:54:05 AM]

So I don't have confidence that there won't be builders who try to take advantage of this in some way if we don't find a way to close the loop here. I think that we can close the loop by saying if your site plan says you're going to be doing more, and you put in a project application, that you have to do the better builder standards. But I don't have that language prepared to amend it properly today. I mean, I do think there's an easy fix here, as I can see it, and I don't see what's so complicated about over time, we have a site, and all I have to do is add the numbers up. I mean, it's not a complicated tracking process. You have a case number, you can just add that as another thing to your management system that has to be -- that has to be tracked. And I would imagine that workers defense fund would be very happy, as these projects go through, to help with that -- with that tracking.

>> And ultimately, if that's the council's intent, of course we will make it work. From my perspective, as I mentioned, my goal was a simple program, one that's easy to administer, one that doesn't inadvertently trip staff up years down the road, but certainly if that's council's intent and desire, we certainly will make the program work.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have a suggested amendment. And if this is too simplistic and we need more time, that's fine. But my amendment would simply be to amend item 3b to say over 75,000 square feet based on the site plan, so that we tie that number to a site plan, rather than the difficulties that have been laid out in terms of the project. And, again, if that's too simplistic and more time is needed to think about it, I'm certainly open to that, but it seems like that might be an appropriate fix.

>> Mayor Adler: Mr. Casar?

>> Casar: I guess my -- having worked to try to get to -- not the real estate council to a position of being supportive, but of being neutral on this, took some time, and for me, I think -- it might be worth taking a break and talking folks through it, or just working this out and taking a look to see whether any of the side effects are indeed occurring.

[10:56:29 AM]

>> Kitchen: Okay.

>> Casar: Because I think, generally, what we're talking about are the 70 to a hundred biggest projects happening in the city in a given year, and it's really hard to build a 15-story office tower that isn't worth well more than 7 and a half million dollars. But these are, you know, buildings that are much more expensive than that. And so I guess I just wouldn't want to cause a problem if we don't know whether or not that's existed yet, and if all of a sudden we see lots of people being two \$7.4 million buildings side-by-side, just to use this expedited building process, I'm sure we can come back and add a couple words if we need to do it. But I guess we just did some work to get the parties to a place where folks feel comfortable, and if we could just execute this that way, I think this might be the easiest course of action for a very long council meeting session we have today. If we had fewer items on the agenda, I might feel a little more comfortable trying to see what that does before and after lunch.

>> Kitchen: Okay.

>> Casar: But of course it's up to the dais. That's just my personal take.

>> Kitchen: Well, so it's not a friendly amendment, so certainly understand why I need to bring it as a separate amendment.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: I appreciate all the conversation, but I too have seen, as councilmember alter stated, how they game the system, and I'd rather do it now up front rather than after the fact, because it's harderred

too it after the fact because it's already been done. So we can pause or take time or postpone to get the language straight, my preference is to do it the right way the first time, rather than waiting, and see how how -- if anybody games the system, and then react to their gaming.

>> Kitchen: Then I'll just bring it as a separate amendment at the appropriate time.

>> Mayor Adler: Council?

>> Brent Lloyd, assistant city attorney, and I just want to clarify one point.

[10:58:32 AM]

The ordinance as drafted would cover site plans, so if a site plan came in that had multiple buildings that totaled over 75,000 square feet, or did dollar value of construction, the language as drafted would cover that. So in that circumstance, we would advise the department in terms of implementation, it would be the individual plan that comes in under the auspices of that site plan.

>> Alter: Could you just walk us through where in the ordinance that is clarified, please?

>> Section 4-18-2, which is at page 2 of the ordinance, in

subsection B: If a project is required to be certified under this section, the accountable official may except a permit application for review only if the application includes a third-party certification requiring construction. So for projects that are subject to this -- this requirement, then this language would cover site plans.

>> Alter: So take me back to site plans.

>> Alter: I'm just try to understand because development services just explained it wouldn't cover it and so I want to make sure that we understand what we're voting on and if it's already in there, that's fine, but I'm confused.

>> Sure. And the idea just in terms of understanding the structure of the ordinance is that this is a free-standing provision and if there are other cases down the road where council, where it's legally appropriate and council wants to require worker certification, you can just cite to that provision. That's why it was drafted that way. But in terms of circling it up to the expedited permitting, on page 1 in 4-18-1, requirements for expedited building plan review adopted under this section must consolidate different disciplines of plan review required for approval of an application.

[11:00:48 AM]

So when you read this section in tandem with the other, it covers -- it covers any -- any development application. It's not limited to just building permits. So if -- if a site plan comes in which is going to have multiple structures that are going to be subject to subsequent permitting, the appropriate review would be at the site plan level for determining whether the requirements are triggered.

>> Alter: So if I'm understanding correctly, you're saying the language is already in there, already protects for this case so that if I have a site plan that is submitted that covers more than 75,000 square feet, has more than 7.5 million in value, and I think those are or numbers, that if I came in and let's say I have five buildings on there and I come in to get my next stage, my permit application for building a, and it's under those thresholds, building a would be subject to workers protection if they choose to go through the --

>> Yes, and I was not aware of all the issues that have come up with this ordinance this is one I was not aware of so I've been having to read this and think about it on the fly, but that's my interpretation. And you know, it says for building permits and other applications required by the land development code. And it mentions building permit once, but it talks throughout the ordinance about development applications, other applications, and that would include site plans. And it's pretty common is a site plan that's going to have multiple structures and then requirements are applied to all of the structures that

are under this site plan. So I'm confident in terms of how this is drafted that when projects come in, we would advise the department that if the total square footage of buildings shown on a site plan exceeds 75,000 square feet, then that is the appropriate threshold for triggering the ordinance.

[11:02:56 AM]

>> Alter: I would feel a lot more comfortable if this was really crystal clear. Is there a way that you could suggest some language and that we could come back to this a little bit later and we could add that in?

>> Well, you could --

>> Alter: Either that or the way this had read this was supposed to be for the permitting part and this applies to the site plan.

>> If you want to put in the word site plan, you could do that. It's covered by other applications, but you could -- in subsection a you could say building plan review for building permits, comma, site plans, comma, other applications.

>> Alter: I guess it's the cascade effect from one to the other where you can get to smaller amounts I'm most concerned about. And so --

>> Now, this --

>> Alter: This may be details in the weeds of practice process and I apologize, but I want to make sure we are clear.

>> So I think Rodney explained if there are projects that don't trigger a site plan, they are just free-standing individual building permits, then -- then the review would be focused on the building permit and there's not anything we can draft in terms of language to avoid that possibility. But if it's a site plan that includes multiple structures, then the thresholds in the ordinance, both the dollar and square footage value would be looked at in terms of the structures included within that site plan.

>> Alter: Then maybe Mr. Gonzalez can help explain why in answer to my question they said that it would not apply. What is the difference in interpretation?

[11:04:57 AM]

>> I'm sorry, councilmember alter, what was the question?

>> Alter: So in the Q and A we asked if a development has multiple buildings and each building is less than 75,000 square feet, but across the total project the total square footage is greater than 75,000, how would they be treated under this ordinance. Exempt from the worker certification. The answer was a development with multiple buildings that collectively exceeds 75,000 square feet would not be subject to worker protection standards. We just heard from Mr. Lloyd it is covered, but I have an answer to my question from your office that says it's not covered. There's an ambiguity here.

>> There certainly is and it's the intent. We read the intent of the ordinance meaning project application, but as Brit mentioned if it's council's intent for it to apply to site plan, he can interpret the ordinance that way and he would advise us to interpret it that way as well. So when we read the ordinance, we had intended it to apply to project applications. But as Brent has mentioned if it's council's intent to apply to site plan, the ordinance can be read that way and he would advise us to read it that way.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I think we seem to be saying the same thing, but I think it's best to make it clear because when we're all gone, you're gone, we're gone, whatever, we don't want to have to worry about what the interpretation is. I would ask Mr. Lloyd about this, but it seems to me the quickest way -- the way I'm understanding it, the definition of permit application under 4-18-2b, I'm understanding that includes site

plans. But perhaps the way to make this clear is just to add a sentence there that says permit application includes site plans and whatever, whatever, as defined by. I'm assuming the permit applications are defined somewhere so we could reference the definition or just say permit applications include site plans.

[11:07:03 AM]

>> The -- yeah, there are multiple definitions of permit application and they include -- it includes site plan, but I guess what I would suggest the easiest way to address this would be in 14-4-18-1 in subsection a is just say expedited plan review for building permits, site plans, and other applications. And I think that would be the -- that would be the single spot that you could address it and that would cover it.

>> Kitchen: Could we say something --

>> Alter: Could we say something about the site plans governing? I'm not sure the right language. My concern is that cascade. I'm understanding this applies to site plans and the projects underneath. But what I'm concerned about is that interaction between the projects underneath and the site plan, where there's a discrepancy as to whether they meet the criteria. And so if I make an application on a building that's under the threshold, I want the determination to be made based on the site plan, not that project.

>> Councilmember alter, I'm confident in the language I just suggested covers it and if we need to make -- write longer sentences, I would need to think about it. But I'm certain that the language I suggested covers it. I was not aware of the Q and a question and that might have been my not just not keeping track of the volume of questions that sometimes come in in the week before a meeting. But had I seen that question, I would have circled back with dsd and advised them accordingly. I think if you add site plan, it will be fine.

>> Pool: Mayor?

>> Mayor Adler: Ms. Pool.

>> Pool: I'm wondering if we a memo from the law department with an interpretation and capsuleize and councilmember kitchen thinks it might not be sufficient, but in addition to whatever we may or may not do here, it would be helpful for law to advise dsd as to what law is -- how law is interpreting this section.

[11:09:14 AM]

That way that puts it into, aside from whatever else we may do here, that puts it in writing and it is direction to staff. If that's possible.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. Is it possible to put this on the table so they can go and work this out and bring it back later so that it is crystal clear what it is that I think councilmember kitchen and alter are requesting? Can we just lay it on the table for a while?

>> Mayor Adler: That would make sense to me. Are you okay with that? We have some speakers to speak. Let's let them speak and then we'll move on to the next item. People indicating they want to speak to this, this is items both 8 and 9. And by the way for the record for people watching the amendments and the discussion mostly went to item number 9 as opposed to 8, which is just fee schedule. Is Mr. Peña here? Is beau Dell here?

>> Thank you, mayor and council. My name is beau Delp, better builder program director from the workers defense project. We're a nonprofit in Austin many of you know working to win better working conditions for low wage workers in the city of Austin. We started this process two years ago by making a simple statement. Austin is growing. That is a fact. We want to make sure that it grows responsibly and

in a way that benefits everybody. As such, we went through several different resolutions, five to six different community stakeholder meetings that included labor, faith, industry, and other community groups to discuss how this might be implemented. We have been so impressed by this council and your staff as well and city staff as we have worked towards a policy that we believe will begin to address the serious working conditions that exist for men and women who build our city.

[11:11:27 AM]

The resolution as it is, we are in favor of but we have some important questions to ask this council to consider. One, the better builder program has gone through a -- at times intense from industry vetting process publicly with this council. We ask that better builder program be required for these certain commercial projects and that the door be left open for alternatives to better builder, but that it go through that same vetting process. As such we ask that any alternative certification program that developers be allowed to utilize to meet the same worker protections, be approved by city staff and by council. It is very important to the coalition we have built that includes the central Austin Democrats, the liberal Austin Democrats, the central labor council, workers defense project, labor 81 from across the city, Austin interfaith that better builder remain in the ordinance. Better builder is what gives these worker protections meanings. We have a serious concern that by stripping the word better builder from this ordinance basically allows developers to self-regulate and decide what a living wage means to them, and died what enforcement means. The reality is is that we started this policy with better [inaudible] Everything. Now we're at a place where it applies to certain projects at a certain valuation of 7.5 million. It has been a tough process. We believe we are very close to an agreement. We hope that this is the beginning of the conversation rather than the end and that we all enter into a spirit of experimentation to address what I think we were all committed to which is addressing these issues. It must include -- [buzzer sounding]

-- Better builder and I thank you for your time.

[11:13:31 AM]

>> Casar: So we have received I think all of our offices essential times communication asking for -- several times asking for valuation be brought down to 500,000 as opposed to 7.5 million which would encapsulate five to six times as many projects. Is that right?

>> That's correct.

>> Casar: And if -- would you all be supportive of is passing that 7.5 million in valuation if we the sorts of protections which is other certification programs still have the door open to them, but would just need to be added to the ordinance?

>> We are as long as that valuation is the beginning of the conversation rather than the end. In an effort to compromise and reach consensus among a lot of stakeholders include city council, we are okay with the \$7.5 million valuation so long as we return and discuss this at a time in the future to see how the program has gone, to discuss getting to a place where that valuation is lower over time.

>> Casar: Indeed the real estate council has requested that staff produce some sort of report 18 months from now and they've agreed to do that and that might be a good time for all stakeholders to let us know how they think.

>> We're supportive of it.

>> Casar: Thank you.

>> I think it's important to remember and thank you because you know I support this program. And to codify it, the better builder program was not included as backup to the motion. And I'm a little concerned that the gap there is -- is not the thing that we're concerned about, that there's another gap.

The city defines a living wage, so that's something the city takes on. I'm hoping to make this stronger, behind the better builder program is the city is going to codify it, not that workers defense is going to own it.

[11:15:37 AM]

That's what I'm hoping to accomplish is that the details be written into the ordinance or be written in such a way there are no loopholes and all that because I think it's an important program. So that's my intent.

>> And I really do appreciate, councilmember Flannigan. I think the codification for us and the coalition that we've built is in the provision that says that the better builder standards are on a very specific date and means something very specific. My understanding was that development services had intended or perhaps did or did not include a list of better builder standards in detail in the backup. If they didn't, I'm sure we can figure out a way to get that to your office or staff can. That lays out in pretty great detail what these standards are and that these would be in effect locked in time so that better builder doesn't start to mean different things. Our concern here is that by removing better builder, it allows a coverings between city staff and developers to decide what a living wage or independent monitoring or forecast training programs are and I think that is why we have seen some members of industry, not all, push for an amendment of this nature because it gives them the wiggle room to begin to cut corners. I know that's not your intent.

>> Flannigan: And I've made it clear to others that I don't believe self-regulation is effective. But I think that if the details had been presented to council in the past, I don't benefit from that, and having learned about the better builder program during political processes is one thing, codifying it into ordinance is where you have to dot the I's and cross the T's. My hope is we could codify the actual details so there is no ambiguity, where is the document that says February 2.

[11:17:43 AM]

It doesn't even say workers defense project in the ordinance, it just says better builder. I think we're both trying to seek the same outcome but different problems.

>> If passed, development services would lay those details out. My hope is that either us or development services can get you those details to your satisfaction.

>> Flannigan: Why does it have to say better builder?

>> So the details that I think are being discussed here is that developers must do on-site monitoring or recruit from local training programs. That means a lot of different things on the a lot of different people. Giving it better builder gives that a baseline and allows alternatives to come along and go through the same public vetting process. But if you remove that a developer can decide this is what a living wage means to me or on-site monitoring means to -- me, which ability to cut corners. We want better builder as a baseline standard, but to allow the opportunity for alternative certification programs to go through a public vetting process to similarly certify programs in a way we see across the country with Leed certification. In Dallas and Austin and other cities in Texas that require Leed to certify buildings at a certain level of environmental protection.

>> Flannigan: I think there's a little bit of a disagreement who gets to claim what the living wage is. I think it's clear the city sets that. It may be a locally process question how are we ensuring when development staff sets those rules they are not later changing. Is that a question, city attorney, you can answer for me?

>> Well, when you all passed the ordinance, this is the legislative body that determines what is the intent of the ordinance.

[11:19:43 AM]

So that's what we can talk about here today.

>> Flannigan: So it would be clear based on the discussion the intent is to implement the details as defined under better builder, but we don't program into a certain ordinance. Is that --

>> That's correct. What we want is for you all to be clear about what your intent is and Brent did a good job of drafting the ordinance to reflect that intent.

>> Brent Lloyd, assistant city attorney. So basically as the ordinance is now drafted in backup without any amendments to it, just the baseline document, it refers to the better builder program as it existed on a particular date, February 2nd, and then it gives the accountable official in the case of permitting and site plans and all that, it would be Rodney's department, the authority to approve comparable programs that have similar baseline requirements. So that's how the ordinance is currently drafted. By virtue of its reference to the better builder program, which is a defined thing, it incorporates, you know, some baseline standards that Rodney would use in evaluating the sufficiency of a certification. So that's the baseline document as it currently exists. My understanding is that councilmember Casar's at the outset of the item, would make it so any alternative program would have to be approved by council as opposed to it being within the auspices of the accountable official. And councilmember Flannigan, I believe the amendment you have proposed, would -- the intent of that would be to strip all reference to better builder, as even just a reference point and just take that out. And I think in concept, you know, that's fine, but I think what we would need to do in order to make that work would be to draft a new document that would be a brand neutral document that would be referenced in the ordinance and sort of extract the key elements of the better builder program, the document use that term.

[11:22:07 AM]

And we can certainly do that. That would take a little bit of additional time. We would need to develop that document, which I think would take an hour, and then draft some additional language. But that's certainly doable. But without either that separate document as a reference point or referencing the better builder program as a basis for salting the certification, I think it has to be one of those two. I hope that was clear.

>> Flannigan: It is clear and actually my staff has been working on that document this morning since the conversation started, and I wanted to see where our conversation went before I started handing out amendments to the amendments. But trying to codify those details into the ordinance specifically so that it's clear about what we're expecting from develop developers, there is no ambiguity and staff decide which of these things, we're about going to decide because we've taken cues from worker defense and the amazing work this program and codify those into the ordinance. That would be my preference. If that is not the preference of the dais, I'll stop my staff from working on it. But that is -- that is -- I'm not going to stop passage. I think it's a better matter of policy for us to include these details in the way that I'm proposing.

>> Mayor Adler: My thought on -- [inaudible] Something like this because there was a compromise that was worked out and I don't know as you pull here whether you pull there. So I don't have a feel for that. I know Mr. Casar spent a lot of time and the staff spent a lot of time with competing interests, and I think it's actually real impressive you were able to get everybody to the table on something like this.

[11:24:17 AM]

So, I mean I would say that during the break if you could test that and see if everybody is still hanging in, that would be helpful information.

>> Casar: To that point I did want to clarify this did not get the -- if the real estate council signed up, did not get them to the support of supportive but mutual, just for clarification.

>> Mayor Adler: Next speaker is David king. Matt Gonzalez is on deck.

>> Thank you, mayor, mayor pro tem, councilmembers. And, you know, I'm supportive of this where we're at with this particular resolution. Although, you know, it's just really in the big scheme of things, it's a step in the right direction. And I guess that's how we're going to get there, just take a step after step after step. I hope our next step is going to be to lower the threshold down to 5,000 square feet or \$500,000 and to encompass all projects. If we kind of look at this from the perspective of how many construction workers are going to benefit from what we're doing today relative to total number of construction workers, as I said this is a step. A large number of construction workers that won't benefit yet. I know our goal is help benefit them as soon as we can. They can't even afford to live in the city they are building today. And we understand and I know that's -- [inaudible] On this process. What I would like to say, look broadly at the -- this is a component of that. Expediting -- to me creates inequity with those that can't afford it. I'll ask equity review policy, come back and what impact they think it's going to be on projects with developers barely making it.

[11:26:27 AM]

Are they going to be able to afford the expedited process? I think we need to look at the larger picture in terms of expedited permitting. Work on our permitting process. Why don't we have a process that benefits everyone equity iably and doesn't include an unlevel playing field. That to me is equitable. I hope you will consider that. Can't game the system, councilmember alter in bringing up that I think it was very important and I'm glad you are clarifying that in your intent so it's clear.

[11:28:58 AM]

Our values to be true so we can continue to support the men and women that build the community. Thank you.

>> Mayor Adler: You have six minutes.

>> My name is Nick mullen. Mayor and council, thank you for letting us speak to this issue. Strange bed fellows for something like this, but after two years and can councilmember Casar's efforts we feel a point of beginning. I think that's important for what we're trying to do. What we're trying to find is ordinance or rules that we can put in place that allows for those things we can agree on, worker protection, worker safety, a better place to work. What we have discussed as different groups and spoken with the better builder representatives is something we can agree on that you are seeing in front of you. , If the issue we originally had, when you read the ordinance as councilmember Flannigan said it directed you to a website. And that website was housed in a public political action group. And working with councilmember Casar and staff to take that language and make sure it showed up on the city's website. To commissioner Flannigan, it didn't look like it was going through -- it didn't look like it was going to a special interest website. The efforts to create that program and landing page is something that we had asked for as part of a compromise and I think we were there. My concern is that with as the mayor said those things that are being added, I don't know if it unravels the work we've done, but as councilmember Casar will stand effectively neutral on what is being proposed, but we appreciate sincerely the efforts it took to get us here.

[11:31:02 AM]

Thank you very much. Thanks for the time. I didn't need all six minutes.

>> Mayor Adler: Okay. Mr. Mulaney, there's been some question about whether this should relate to site plans and to capture all the buildings on the site plan. The legal counsel has said that's his interpretation of that. Are you okay with us making that explicit --

>> As we understand, I wanted expect this would be covered under a single site plan. This is a opt in program. If you choose to opt in under a single site plan, then you would adhere to these standards.

>> Mayor Adler: You would be okay with that clarification.

>> Correct.

>> Mayor Adler: Thank you.

>> Alter: I have a clarification. If they opt in at the project stage but the site plan says it covers a whole huge amount of square footage, are they still required to follow the standards? Because if it's a opt in and they have to opt in at the site plan or project stage, how does this play out?

>> That's a legitimate question that I think raises an issue that hadn't come up before now. So definitely the ordinance I don't think isn't clear about when you have to opt in. So I think there is a question there. Definitely wouldn't be hard to address it. I would need to sit down for five, ten minutes and come up with some language, but I think that that's -- that's something we could address.

>> Alter: I completely agree it should be opt in as to whether you go for the expedited permit and this is a need and an opportunity for the builders that is necessary.

[11:33:07 AM]

But I am concerned that if we leave it open that they could just opt in at the project stage and it's not opted in at the site plan, that that leaves, again, this loophole there.

>> Before I endeavor to draft language, am I correct that it would be your intent that the provision require that if your site plan project, multiple buildings and you trigger those thresholds in terms of size or value, you have to opt in at the site plan stage and if you don't you can't do so at the builder permit stage?

>> Alter: We don't want builders to opt in for better worker standards later on. What we want is they don't get the expedited -- can't ask for the expedited permitting and have the project have more square footage and still get that expedited permitting without doing the worker standards.

>> So if a builder opts in, doesn't opt in at the site plan stage, later tries to opt in at a building permit stage, then they would -- the square footage and value determination would be made with reference to the circle back to the overall site plan rather than piecemealing it to a building permit. Is that your intent?

>> Alter: Yes.

>> We can draft that. It might take 20 minutes or so but we can draft that.

>> Alter: I don't know this is against anyone's intent. I just want to make sure that we don't have the loophole there.

>> Mayor Adler: Are those all the speakers we have? We'll pick this back up after lunch.

>> Casar: I would certainly include that in the motion as a friendly issue. That makes sense if you an aply and you have it in your application it should apply.

[11:35:10 AM]

>> Mayor Adler: What about this next item, item number 22. See how many speakers we have signed up for 22. We have eight speakers. I'm not convinced we can get this done before lunch. Items 25 and 26?

This was pulled for discussion. This is an item that's being postponed; is that right? We have to make a choice? Is staff going to lay out 25 and 26? Why don't you go ahead and do that.

>> Mayor, councilmembers, Scarborough, purchasing. Item 25 and 26 are related in that one is -- mute Littlefield exclusive to the other. One of the items authorize a new multiple award set of security guard contracts to provide guards for the other departments of the city. The other would be in the event council is not comfortable with passing. The security guard item, item 26, would be to authorize interim extension of the current interim contracts to provide additional time for staff to answer council questions.

>> Mayor Adler: We have three speakers to speak. Do we want to call the speakers? Let's go ahead and do that. Thank you. Is Robert Russell here? Dave is on deck.

[11:37:10 AM]

And then Gina pristy.

>> Good morning. Dave and I, my vice president and I flip-flopped a bit. I will come in behind that if that's okay.

>> Mayor Adler: Mr. Schiller.

>> Awesome. Thank you, Dave Schiller, area vice president for securitus. We have been selected as the award candidate for city of Austin water utility and the department building services. So we wanted to give a quick preview and be available for questions. Voting yes on 25. Securitas is the largest protective services in the U.S. With a history of supporting clients locally as well as throughout the world. We have over 750 officers in the Austin area and in the neighborhood of 5,000 in Texas. We provide services to Dell, Samsung, applied materials and Intel and many other downtown property buildings and others. We're part of the building owners and management association, a contributor and member as well as the Austin chapter of the as is American society for industrial security. And we just want to make ourselves available if you have any questions around us as the selected candidate for this contract.

>> Mayor Adler: Thank you.

>> Thanks for the adjustment. Rob Russell, I am one of the area leaders for securitas security services. I spent the last 25 years in protective services, initially as a police officer in Fort Worth and moved to private sector about 15 years ago.

[11:39:15 AM]

Over the course of the time had that opportunity to work in proprietary programs and the contract side. When I look at my role I've been responsible for evaluating what's right for a client, in this case a city government. And comparing the costs associated with a proprietary program versus a contract program. And while it's convenient for me here to say contract obviously has ideal advantages, I want to lay out a few points I've determined through research and experience advantages of having a contract program. First and foremost, expertise. Securitas security services, we're the largest security provider in the United States, second largest in the world at this point. And when you look at the resources we have in place, security is what we do. We're not responsible for anything outside of protective services work. So by bringing on a firm like securitas to protect the city of Austin and its assets, you are leveraging hundreds of years of experience. In addition, you are leveraging the resources available to us, whether that's consulting services, emergency coverage, training, career development, human resources, all those things are available by bringing on a contract firm such as securitas. In addition, when you think about a proprietary program, in this case if the city of Austin was to take on proprietary security themselves you would have to consider the logistics of having a proprietary program. Beyond the officers in uniform you have to have management, human resources .

[11:41:22 AM]

San Bernardino, Istanbul, Turkey. Where governments realize risks exist, but when faced with risks, faced with an attack, a natural disaster, realize manpower is required for that. In this case what would the city of Austin do if there was a significant man-made event where numerous government facilities were impacted. Where would you bring in the resources? By partnering with a firm like Securitas, we have the resources. We have over 750 officers in Austin, over 4,000 throughout cities in the state of Texas. Obviously we could easily transition and fold in --

[buzzer sounding]

>> Mayor Adler: Finish your thought.

>> Should the need arise. If a decision is made to extend this temporary contract, realize the impact on the current living wage that has been established by the city versus what the officers are currently being paid, about 20% below the current established living wage. You guys would be impacting the current contract staff by making a decision to extend for up to six months. I thank you for your time and we're available for questions.

>> Mayor Adler: Explain that again. I didn't understand.

>> By extending the contract, the current interim contract up to six months, the officers part of the current contract, they are making well below the established living wage that the city of Austin has determined for this contract, which I believe is \$13.50 per hour. These officers are approximately \$2 less per hour. So for the next six months, these officers assigned to this contract would be impacted by the delay in this decision.

>> Casar: I think I can clarify his point. Our requirements for living wage come in at a contract face. The last time we contracted the living wage was lower.

>> Correct.

>> Casar: Now you are required to pay the living wage set now which is 13.50.

>> Yes.

>> Casar: So contractors are not in violation of our policy if they are paying less than living wage as the contract runs, but it is upon a new contract or contract renewal that you have to comply with the new standards.

[11:43:33 AM]

>> Correct.

>> Casar: So essentially what we are -- this is not me advocating one way or another, but our security staff currently make less than 13.50 and upon approval would be required to make 13.50.

>> Versus if the current contract was extended these officers would work below that living wage. The living wage standard and the impact on individuals as well as the economy and residents. We feel like it makes sense for the decision being made today. Whether that's to extend or go with or without of the three firms that have been initially awarded the contract under the most recent RFP.

>> Casar: Thanks.

>> Mayor Adler: Thank you.

>> That you are.

>> Tovo: Mayor, I do have another question for him. In the Q and A, thank you for being here and in the question and answer that we received for this item, it talks about -- the question had asked about available benefits to employees and I see the benefits listed for Securitas. Can you tell me do employees receive -- is there a cost to employees for their health care is this.

>> Yes, ma'am, it is a cost and it's minimal. Part of this is based on what was originally established under the affordable care act. Our officers are offered a wide range of health benefits including medical, dental, and we even include 401-k and life insurance as additional benefits. So our officers certainly are well protected and well insured. Because we want our officers to stay with us long term.

>> Tovo: But those are all at a cost to the employee. Because if you are a city employee, those come as a matter of your job.

>> Yes, ma'am.

>> Life insurance is not an additional cost. 401-k is not an additional cost. The medical care has a small portion that they do contribute to as does securitas contribute the remainder.

>> Tovo: Do you know what those premiums are?

[11:45:35 AM]

>> It varies very slightly based off of their wage, but it's in the ballpark of \$30 to \$40 a paycheck. Depending upon their income. Certain income levels that has to be lower so that way it meets the ACA law as it currently stands.

>> Tovo: By paycheck, is it every two weeks?

>> Yes, ma'am.

>> Tovo: That's for employee only coverage? I assume they have the ability to opt in for their family at additional cost.

>> That's correct.

>> Tovo: Does securitas make a contribution for the spouse or children?

>> Typically not.

>> Tovo: Okay. Thank you.

>> You're welcome.

>> Mayor Adler: Okay. Thank you.

>> Thank you, mayor.

>> Mayor Adler: Mr. Peña, why don't you come on down then. And then Gina prisky.

>> Good morning, mayor and councilmembers, Gus Peña. I was not able to make it earlier. I was at the V.A. Clinic. I investigated this security services and as I try to do also for all the things I try to speak for. I am a former IRS investigator, federal law enforcement academy and number one, number two attended the sheriff's academy of '92. Former APD I believe lieutenant and he was sheriff at that time. I was allowed and my classes were paid for by judge John Wizzer, George Bob Perkins and judge Jones. The issue that I come over to speak is I support this item and I wish that benefits would be paid to the spouses, et cetera.

[11:47:40 AM]

I was a security guard when I was discharged honorably from the United States Marine Corps in 1974. I put in six years, so I know about security guard companies here in Austin, the good and the bad. But I like what they said and I'm supportive. It's up to you all what you are going to do. But remember, the voices of the community. And if you listen to me, you know, I -- I've got my documentation. And I still carry my old beige when I was an IRS investigator. But I support this company and these individuals as long as it helps out the employees. And we're supportive, veterans for progress are supportive. And by the way, Mr. Mayor--anyway, thanks for all the hard work you do and I support you.

>> Mayor Adler: Thank you. Gina Prisky. Take your time.

>> Hello. I'm the general manager information Wayland security, one of the providers on the list of items number 25 and 26. We currently hold and have been for four years the Austin water contract

which is on the rfp and we currently provide services here at city hall. We were also -- we are also the interim contract holder that we spoke of last time which committee started in August. So currently we hold about 75% of this rfp. I'm currently doing right now. So I'm here today just to answer any questions that you may have in regard to the rfp or security services in general. And I also wanted to make a comment. I know the question at hand is, you know, about going in-house because of the benefits. As a contract security provider, we price our contract and what we provide our officers based on the rfp.

[11:49:42 AM]

So if the council and the city would like benefits that the city has such as benefits paid for, health insurance and those things, we can easily price those in and put it in a direct cost. So anything is obtainable and matchable when it comes to contract security versus in-house. We can do it, any company can do it. It's just that's not what was the scope of work that was provided to us. Again, I'm just here to support Wayland security since we've been a great provider for you all for the last four years and I'm here if you have any questions.

>> I just want to make sure it's clear we're not talking about our fee responses were improper or wrong or bad. This is a policy discussion that weary think having as the dais here about where we bring people in-house and where we contract. It's not that you responded improperly to the rfp and I just wanted to make that clear.

>> Mayor Adler: Thank you.

>> Again, I am currently one of the ones that are on there to continue so --

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I have the same question that I asked the other gentleman about the benefits, are those at cost to employee?

>> Yes, our are similar to securitas. Our cost per employee is higher, it runs about \$60. The only thing that's different right now is I did put in in case of a -- the contract gets extended three to six months, I did request with purchasing a wage increase as I did two years ago in the contract. Our contract started four years ago. We got an increase at two years and I submitted another increase for our security officer's wage in case that this does get extended. That way they will be closer to the minimum living wage and not at the lower wage.

>> Tovo: Thank you.

[11:51:43 AM]

So that's very helpful information. So if the contracts were extended, your officers would actually not be making in the \$11 range, they would be making how much?

>> I put in a request, you can only request so much each time. So a request for 4.5% which would bring everybody to a minimum of at least 12. Range from 12 to 13 based on their position and everything they are doing right now. But that has to get approved.

>> Tovo: By the city staff.

>> Yes, ma'am.

>> Tovo: I guess that's a question I would like to ask city staff at the appropriate time whether it's possible to use the interim contract but require they meet the living wage. Thank you for that information.

>> Mayor Adler: Those were all our speakers. If staff wants to come back down, that would be great.

>> Mayor, councilmembers, James Scarborough. I have the deputy purchasing officer who is more directly involved in this procurement and we can provide additional information in this regard. So of the questions that you may have, which was the first one you would like us to address?

>> Mayor Adler: Why don't you go ahead and answer mayor pro tem's question.

>> Tovo: So the -- let me first apologize for not being part of the work session Tuesday when it came up about 4:15. I have a conflict on Tuesdays, but I did have an opportunity to listen to the back and forth and councilmember Flannigan did raise several questions I had, though I still have a few more within that category. Let me just say what still isn't clear to me based on the discussion on Tuesday about the fixed need for example for Austin water utility that there is a fixed need, why those are being contracted out and what it would cost. My Q and a asked what it would cost to bring these employees in-house.

[11:53:45 AM]

I appreciate the information about the salaries. It doesn't give a sense of the cumulative costs. After Tuesday's discussion it seems there's an additional way to parse it out. I take the point the convention center and other like situations where there's a need to staff up for particular events, you know, that it is much better for all kinds of reasons to do that on a contract basis. For those fixed needs which we know are within the water utility and maybe in that other category, I still don't have a clear sense what that other category is, but for fixed positions what would it cost to bring those in-house? That's a big question. I don't know if you have the answer and if you can give us data about how many fixed employees -- how many employees we would have who meet that fixed need. And I think there are some other questions that I would have related to this issue. And so that's why the option of extending for three months was the more appealing. I had no idea that those employees then would not be -- would not be receiving a livable wage. This is very new information and my first question starts there. Do you have an ability to amend the interim, if the contracts are extended, do you have the ability to approve a wage increase that would meet our standards for livable wages?

>> Mayor pro tem, it's a bit of a more involved response than just a simple yes or no. The contracts that were being referred to by the previous speaker were a combination of single agency or single department contracts, in this case it was Austin water, which is older. And the living wage on that contract I believe was 11 -- it was established when that contract came into being a few years ago. The interim contracts, the ones we've been working on for the last few months used by the other departments, that living wage was based on the one that was in place this past summer. So that one is currently at 13.03.

[11:55:49 AM]

Living wage increased with the beginning of this fiscal year to 13.50. If we were to put living wage into a new contract, we would need a new contract authorization so that would either be for your authorization of item 25 or for a new authorization of these interim contracts, not an extension. That's not based on policy per se. I'm prescribing what will eventually be in the living wage rules, what's been recommended and what will be released shortly. But right now our operating approach to living wage is apply the living wage at the time of the contract's inception. It's not budgeted by the departments. They put their budget together based on what they think the price is going to be over a fixed period of time. As to your larger question regarding the ability to in-house some of these security guard services, we've had that dialogue going the last couple of weeks with the departments. And while -- in the most simplistic manner we could look at the number of hours they contract for the security guard services and then take them and divide them by 2080 and come up with a rough approximation what it would cost to bring them in-house so if you apply the city's salaries to them, but they would have to also take into consideration purchase of additional things like vehicles, uniforms, training, credentialing and so forth and that would take a bit more time and it would be a part of that irrelevant budgeting process. They are budgeted for the staff security guards and contracted security guards the way they are

balanced now when on a department by department basis. If they were to change that they would have to look at budget alternatives and I don't think they've had a chance to calculate those yet. Regarding Austin water, they are here to provide you with their rationale.

>> Good morning, mayor and council. Anna Brian burha, chief support officer.

[11:57:51 AM]

I'll be happy to answer specific questions about our staffing model when it comes to security guards. I can give you a quick overview, which is that we do utilize the security coordinator and security manager job titles in the city. And we contract out for those front-line security guards and leads. We do this because we need 100% coverage at all times to protect our water supply and our critical infrastructure. So the contract gives us drawing on the larger pool of the contracted vendor the ability to fill vacancies immediately without gaps in our security coverage. I can tell you based on the requirements in the contract we've identified 17 security posts. Most of those are 24/7 operations. And so as Mr. Scarborough was describing to convert that to a number of full-time employees, it is approximately 55 security guards and security leads. These staff are protecting, as I mentioned, the 17 sites, plus 45 additional sites on an as-needed basis. And were those staff to be brought in-house, we would also have to add additional ftes to provide for supervision this is built into the back office staff of the contractor. We would have to provide vehicles, equipment and uniforms. I do have a bm LE. I'm remembering now the last part of your question was the bottom line cost difference. For ausn water we have done a pliminary analysis, including all of the factors that I've just described, and for Austin water the five-year cost of the contracted security guard services is about \$10.5 million. Were we to bring all of those costs in-house, it would be approximately \$15.9 million.

[11:59:53 AM]

That's over the five-year life of the contract.

>> Tovo: To clarify, though, that was for all of the security guards, including those that are meeting a variable need.

>> Correct. That is for all of the security hours envisioned under the contract.

>> Tovo: But as I understood from the discussion on Tuesday and even here today, there are -- now I've forgotten whether it's 15 or 17 sites of that fixed security needs, and to make some distinctions here, it seems those are the ones that require consistent staffing and would make sense to be employees of the city rather than contract employees. So I'm interested in knowing what the number -- again, we're using you as an example, within that other category there may be similar examples, but within Austin water, what would it -- how many employees are we talking about for those fixed needs versus the variable ones?

>> Those 17 posts are scheduled, those scheduling requirements were called out in the rfp, and so those scheduled hours equate to 55 full-time employees because most of those 17 posts are operating around the clock.

>> Tovo: So the 45 or so providing security for the 45 sites would be outside of those 55 employees?

>> We have within this contract a lead patrol officer who can be assigned to visit those 45 sites as needed. And we have within the contract the ability to add two additional posts as needed within 24 hours. So I'm not including the two additional posts that could be called up within 24 hours' notice if we needed to respond to a situation at one of those locations.

[12:02:09 PM]

>> Flannigan: I want to reiterate something I said earlier. I feel this is a policy question. It's not so much a matter of debating the nature of the rfp or the efforts that you've done. I want to thank you for exploring cost-saving measures. I think it's always an interesting road to go down, and we should be trying that just to see what the options are. But there is a policy question of when we have full-time staff in other parts of the city, we bring them on as employees and all of the benefits that come with being an employee versus a contractor and I think as a policy question -- I don't know that there's a way to answer that today, and I don't know how the dais feels about moving forward with a three-month, even though tends up being below living wage because if I'm understanding changing the three month to meet living wage is a complicated matter is that true?

>> From a policy perspective, what we're trying to avoid is putting the departments in a position of unanticipated increased costs in a segmented basis. So as a multiterm contract extends if we recognize new policy-driven costs on a segmented basis. Those wouldn't be budgeted for necessarily by the departments. So we try to implement additional costs like living wage at the beginning of a contract term. That's it been the practice of the purchasing office for a number of years. In this case the living wage that was in place at the time that these interim contracts were created was 13.03. That's now changed to 13.50. Roughly there's two ways we could get 13.50 into any additional interim. Consulting with the law department just now we could work it into the extension of the existing contracts. It will just mean that they'll be a -- we'll have to negotiate this with the contractors, of course. It will -- it will mean that we may not be able to get all three or six months.

[12:04:14 PM]

We may get a smaller increment of that. Another option that we haven't explored is that council may consider maybe a middle way, is to not authorize all terms of the contract, rather authorize the initial term of the contract, which would be two years. That way we would have the new contracts in place, the current living wage would be in place, and you would have the time to explore this policy space. In discussing this with the departments, we imagined if we were to make the decision right now to in-house and higher all these staff, how long would that take you? And many of them were saying it's gonna take them six to nine months just to go through the hiring process to get them trained, to get them into place. So if there's gonna be a fair amount of ramp-up time to get these employees in anyway if that's the decision, then having a year or two under the new contract would preserve the options on that new contract and still give you enough time to make the policy call. So we can do the in-arm extension and get the living wage in but it might end up being shorter than three to six months or we can authorize -- or you can authorize the first term of the new contracts and we give you -- and the departments more time to explore the budgetary impacts of hiring in these guards as opposed to continuing to contract them out.

>> Flannigan: It's generally my preference generally to make those decisions during the budget process and not today. I don't know where everyone else is on this. I could see either -- going either way, doing the short-term, give us time to try to solve the problem now or even doing the two years and work this into the larger budget process. I'm good with either option, but I defer to my colleagues here.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'm not sure I'm understanding. If we approve the one and initiate multi-year contracts, those departments are looking at higher wage costs for those employees.

[12:06:16 PM]

>> Higher wage --

>> Tovo: I mean those contracts would come in at higher salary levels because they have to -- because the security services are required to pay the living wage or not.

>> Yes.

>> Tovo: So I guess what I'm not understanding is what you said the disadvantages of the extending of the contracts but requiring that those employees go up to --

>> The interim contracts were created on an interim or emergency basis to cover us until we can get new contracts in place. The new contracts were based on an estimate of volume over a number of years. The new contract price or the proposed contract price, if you will, are actually much better than the interim contract prices. So we will save, the departments will save money if they're able to move to the new contracts rather than to extend the interim contracts.

>> Tovo: What did you mean about a shorter increment though?

>> We're asking for authorization of --

>> Tovo: I'm sorry define.

>> With regard to the contract, we have three 12-month options I think what we're suggesting is just the 24 months, either you directing us to come back to the options or just to say no.

>> Tovo: I'm sorry, I understood shorter increment in the context of that discussion. I didn't understand if you went back to the contracted firms and negotiated interim contracts you might end up with shorter increments than three to six months. I didn't understand that.

>> I believe that's because we're asking for fixed pricing that we anticipated based on current price to go through the six months. However, if the pricing is more it would obviously not last as long.

>> Tovo: Thank you.

>> Casar: Mayor.

>> Mayor Adler: Yes.

>> Casar: To clarify, part of the reason why an interim contract, as far as I could tell, and asking to push for higher wages could cost the city more than authorizing the new ones is the new ones are competing -- are competitive contracts where people try to drive down the price and eat some of that labor costs whereas here we would be signaling to the contractors that that money is available from our point of view and that's why when we were crafting the policy we wanted it at the beginning of the contract so that the city isn't on the hook for all the wages that we actually want the businesses to step up and participate.

[12:08:32 PM]

So it -- councilmember Flannigan, to your question, while I do have some interest in seeing if we can get this in-house, if we're only extending this for three months it sounds to me without a lot of work it may take longer for that. So for me it would be kind of up to on the dais if there were people that were really gonna try to get this worked out over the course of those few months and if people have less bandwidth, maybe it's kind of let's do the first two carriers and have have the staff and folks think about this over the course of the next year if it's gonna be such a complicated process.

>> Mayor, would it be appropriate for me to move to accept the 24, just the 24? And have that as the way we move forward here? 24 month but no extensions to gives time to integrate this conversation into a budget process?

>> Mayor Adler: You okay with that? Staff is okay with that.

>> Flannigan: So I'll make that motion so we can come to a inclusion here.

>> Mayor Adler: Mr. Flannigan moves to adopt the contract for the 24 month period, no extensions that it comes back. Is there a second to that motion? Mr. Casar seconds that. Yes, Ms. --

>> If we remove -- I'm fine with not making sure we have to come back here before we exercise that option. I'm wondering contractually if we did decide we want to continue does that make it cost more for us at that point in time?

>> There's only a guarantee if it's awarded 24 months. The options are always at the discretion of the city and the contractor both agreeing.

>> Alter: So the price --

>> The price would not change.

>> Alter: Okay, thank you.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I think she asked the same question I had but I want to make sure I understand your response. So I understand that the price wouldn't change for the first 24 months but would it -- when we have extensions we can enter into the contract at the -- we have the ability to enter into the contract at the same price and if we're not adding extensions, is it -- does it make it more likely that we would be spending more money after the first 24 months?

[12:10:53 PM]

>> I mean, it just depends. We always include an economic price adjustment in our contracts, which obviously there has to be a basis to approve regardless. We would take a option even if we already have -- if we both want the option, want to move forward, if they would ask for a price increase at that point in time we could say no regardless so I don't believe that would affect that one way or the other.

>> Troxclair: Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Do we have a contract for doing a contract less than the 24 months? Could we do one for 12 months?

>> Mayor pro tem, we can certainly explore that, but the pricing that was provided to us during the competitive process was based on a 1-year -- our first term of 24 months. If we're going to change that we're gonna have to go back to the offers and ask them to take that into consideration, whether to hold the price that they proposed to us or to do something else. So we would need your authorization to then negotiate with them to see if there was gonna be an impact to their price proposal or any technical elements to their proposal.

>> Tovo: That's of some interest to me. You know, I just think this issue comes up and I'm -- I understand the reasons for pushing it down the road a ways, and, again, I don't think we've gotten really to the heart of the matter, which is how many of these security guards are consistently going to be needed in the positions where they are versus being used for a variable -- for events. And it is consistent with many of the policies, including our ongoing discussion about affordability, to have what are permanent needs at the city be filled by permanent employees, regular employees who receive the benefits that accrue to other city employees. I assume we do have some security guards who are city employees throughout our organization. I believe there's some at city hall. So the water utility and any others that fall within that other, if they have an ongoing permanent need they should be filling that in my opinion with permanent employees.

[12:13:00 PM]

So if there's an interest in including within the motion some direction that staff explore the ability to do a 12-month, that would be of interest to me. I'm okay going forward. I'm not thrilled about it, but I would be comfortable moving forward today with a two-year term but would but would be interested to asking our staff to explore a one-year contract and will see if that's an option.

>> I'm not sure that we can approve the execution and direct them to negotiate another contract. P.M. I don't know that that really -- it's like two different things.

>> You're correct, councilmember.

>> Flannigan: Yeah.

>> When there is a need to end the contract, we have provisions in the contract where both parties can notify the other that they wish to end the contract. So if that's the case we could end the contract, terminate with notice early, but that would assume that we would not have the variable departments as well. We may just not consume as much if we end up hiring more of the staff in. So we have the ability to not use all of the two years, but it may more likely be that we would just use less services in those two years if during that period of time departments like Austin water and more --

>> Tovo: I think maybe the best way to proceed is to move forward with this and do some additional work and perhaps bring forward an ifc that asks to get some of these answers in more detailed fashion. Again, I think this is a very high priority and I was part of the last resolution that asked the city to look across its full -- all of its operations, and I appreciated that work, but ultimately it does -- yes, it will cost more, but I still think it's in many cases the right thing to do.

[12:15:03 PM]

>> I agree with you there and I -- hearing the conversation here as we head through more budget work sessions heading into the fall I think we'll hopefully see some of these called out, even if it's just an example, here's how security services look like in the next deep devices, and at the end of the day we can fix this whole thing up in this budget, next budget or whatever but it doesn't seem like we're in that much of a risk area.

>> Mayor Adler: Motion before us is to approve a two-year contract that's been moved and seconded. Do we want to move forward with that? It's been moved and seconded. Those in favor please raise your hand. Those opposed? Everyone on the dais. Okay. Citizens communication, we're a little bit late. And withdrawing item number 26. That gets us to citizen communication. It is 12:15. I would anticipate we would be done with citizen communication at 12:30 we want to come back at 1:30? Ms. Kitchen will be gone at -- from 1:30 to 3:30. So we will probably hold off on 32 until Ms. Kitchen came back and we can make that decision then.

>> Kitchen: Yes, I'd like to clarify I'll be on city business at the capitol during that time.

>> Mayor Adler: Flood issues. Thank you for that. First speaker we're going to have on citizens magazine is --

>> Mayor. Because we had set that item for 2:00 P.M. Certain, I of course want to -- I understand that councilmember kitchen needs to be gone and I want to make sure that she's back here in time for any substantial council discussion or vote but if there are people here who came to speak and that need to leave earlier, I'd appreciate if we could hear them.

[12:17:09 PM]

>> Mayor Adler: Absolutely. And you can control whether that gets called or not or -- I just want to alert you to that.

>> Troxclair: Thank you.

>> Mayor Adler: Koo-hyun Kim not here. What about bill Oakey?

>> Thank you, mayor, councilmembers. I have a new set of affordability proposals which I hope will supplement the affordability action plan that you're also considering today, and as you know, I'm the blog writer for austinaffordability.com, and one of the big missing elements that nobody is talking about is the minimum wage across the city. In January, 19 states raised their minimum wage and since that's

not likely to happen in the state of Texas due to our legislature I think it's incumbent upon our city council to meet with company representatives or independent business organizations and try to negotiate a multi-year phased in approach to raising the minimum wage because the income inequality in this city and the high cost of rent is such that people cannot afford to continue living here -- afford to continue living here with the low minimum wage that we have. Unless leadership steps up and takes action I don't think anything is gonna change. And I thought perhaps councilmember Casar might be interested in sponsoring this proposal. The next thing I want to talk about is the high cost of the various city plans that we have, all of our parks -- submitted a budget request and they finally did come up with a total list of all of our city plans.

[12:19:20 PM]

And when I put those into a spreadsheet they came to a staggering \$8.3 billion worth of city plans. Now, I think it would be irresponsible for the city not to take all of these plans and prioritize them with community input. So I think the first step would be to organize all of these city plans into a single report, a single bound document and also list them all on the city's website so that the community can understand how many of these plans they are and how much they had help -- I doubt if the people at the city even realize that they totaled up to 8.3 billion and that's not even the true cost because several of these plans only had the annual cost listed in the report, and it didn't say how many years were in the life cycle for these plans. So we're talking about potentially nine to \$10 billion worth of city plans, and that is absolutely not feasible by any stretch of the imagination. The other thing I'd recommend is a two-year freeze on the cost of the add-on fees that go on our utility bills, like the clean community fee, the transportation fee, the drainage fee. Those fees are growing faster than the property taxes.

[Buzzer sounding] So I didn't have time to finish but I emailed these proposals to you, and I'd like for you to give them serious consideration so that we can really see some action on affordability that will make a difference in people's lives. Thank you very much.

>> Mayor Adler: Thank you, Mr. Oakey. Next speaker is --

>> Sorry, can I ask a quick question? Mr. Oakey, thank you so much for being here today. It's been a pleasure to work with you on some of the affordability proposals that you have put forward and that the council has worked on. I just wanted to clarify, although I know that affordability action plan is not perfect and doesn't include every single thing that you or I would want, I wanted to clarify whether or not you're supporting the action plan on our agenda today?

[12:21:27 PM]

>> Thank you so much for asking that. I absolutely do support it, and especially the idea of having the staff prepare a zero effective rate increase plan for the budget. Because that's actually another name for zero based budgeting, where you have to start from zero and then justify the increases above that. I know that it makes people nervous if they think that it's impractical to hold that line at the effective rate, but what I will tell you is the legislature has a committee that issued a report and they're recommending a reduction in the 8% cap on increases to the effective tax rate and, you know, they may cut it down to 4%. And I know that in the last several years, when I analyzed it, it was pretty close to 4% until last year, and then the city raised it all the way to the 8% legal maximum. And I hear things like, oh, it's only a few dollars more a month. There's two problems with that. One, it's a few dollars for this and a few dollars for that and you've got ACC, the county, school district, everybody else adding a few dollars and you've got people who can't afford the taxes that they have now. And then there's this new proposal for a \$5 composting fee to go on our utility bills and at the very least I am gonna push very strongly for an opt out for senior citizens 65 and older for that \$5 composting fee because we can't

afford to go on and on forever with never-ending increases in all these fees. So, yes, I do support the affordability action plan, and I thank your office for promoting that and protecting -- for taking a strong stand on affordability. We need a unanimous vote on some of these measures. So thank you for your question.

[12:23:28 PM]

>> Mayor Adler: Okay. Next speaker is Rodolfo Hinojosa. Sylvia Mendoza is on deck.

>> Thank you, Mr. Mayor. So as we all remember last year was -- well, we're getting to about the [indiscernible] After the Orlando shooting, and the reason I bring that up is because after that, everyone was saying things gonna change, this changes everything, even in Austin, you know, we're so far removed, you know. Geospatially and geopolitically from Florida. We're saying this city will never be the same again, et cetera, et cetera. You know, unfortunately, I was mugged two and a half weeks after that shooting. And coincidentally, the time line really just coincides with it was about two weeks after there's a joint statement from city leaders, community leaders, and business owners that there would be better signage, that there would be better patrolling, there would be more bodies, more cops. And better cameras and better lighting. But especially considering what happened after the election, we see that both has not happened and, two, did not acts a deterrent because it didn't exist. So, you know, more and more months passed even, and I still kind of, you know, forgot about it and then one night I realized, like, wait.

[12:25:37 PM]

What happened to that joint statement that I was so mad about? So I went outside the same club I was mugged at. Where the asphalt probably still had traces of my blood, the tree, the sidewalks still probably had traces of my blood. And I didn't notice anything different than six months earlier. And I just want to ask council very, very simply, what happened to that promise in that statement that you would prioritize, you know, the safety of lbgtq citizens? Because, personally, and objectively, you know, I live streamed it so people wouldn't call me crazy or anything. It just -- it's invisible, like, we have been invisible for so long. And, yeah, really --

[buzzer sounding] Quite simply, my question is, what happened to that promise? Because obviously we don't want cops in our clubs. Those are our spaces and any disrespect of that we take very, you know, personally. But what happened to that promise?

[Applause]

>> Flannigan: Mr. Mayor?

>> Mayor Adler: Yes.

>> Flannigan: Stay at the mic, stay at the mic. Come back. Come back. You know, I'm the first openly gay man to serve on this body. And my colleagues today passed unanimously an lbgtq quality of life commission for the first time.

[12:27:44 PM]

It was the first resolution that I put back in January, which also passed unanimously. I've also been appointed to the hate crimes task force, and I have put a council staff together that is entirely lbgt. I have spent my life -- I have spent my life advocating for our community. And I just want you to know how important it is that you spoke today. And how hard that I'm going to work and my staff is going to work and I know that my colleagues on the dais will continue to work for you and for our whole community. Thank you.

>> Thank you. And if I can add, the kind of -- the kind of interest behind this testimony is not simple or easy or politically motivated. I saw my friends die. I saw people -- I saw student leaders take their own lives in the past, you know, even just six months, four months. And it's -- we can't go back to that forgotten place and we can't -- we shouldn't be taking anything for granted.

>> Mayor Adler: Thank you. Thank you.

>> Thank you.

>> Mayor Adler: The next speaker we have is Sylvia Mendoza this is our last speaker.

>> There's no time for pleasantries.

[12:29:46 PM]

While conducting a very extensive survey over the past ten years and having the personal experience of almost 50 years, I have found that first generationers cannot disconnect themselves from their parents country because their parents are staring them right in the face. Case in point, Greg Casar, a son of Mexican immigrants cannot yet disconnect himself from his parents country. His children or grandchildren probably will. My dad was in World War II and stationed in Germany and also at pearl harbor. He is buried in San Antonio. So is my mom. This one is for you, Ellen troxclair. Thank you for your bravery, your courage, and your valor for especially while battling it out with a first generationer. Greg, that was not a fair fight. This is. Because we are both hispanic. Accept that you are for one side of the river and I am for the other side, except that you live on this side. Yeah, we are all immigrants. But it depends how we were born into the line. Illegals have become residents or break in line by just working ten years or getting disability without working one single day according to the social security office. You ever go to the star and people cut in front of you? This is the same thing except it's a bigger board came. It's on a higher level. Thanks there is immigration and customs enforcement ice for your backbone and heroism and protecting Americans first and foremost. Shout out to the federal protective service. To the rest of you, do you know know what the definition of illegal is? It is banned, forbidden, prohibited, not legal, unlawful, wrong, unjust and unconstitutional. , Undocumented, not having the official documents that are needed to enter, live in, or work in the country legally. So, ladies and gentlemen, since we have traitors in our miss of the. If you're ignoring me, thanks.

[12:31:48 PM]

That's good. Because traitors are usually indifferent and detached. So from this day forward, I remove myself from the hispanic ethnicity, race if aleth he's not air and the movie ha H dish pledge aleashance to only one flag, the flag of the United States of America.

>> Mayor Adler: That ends citizen communication. We're going to stand adjourned until 1:30.

[1:44:35 PM]

>> Mayor adler:all right. I think that -- I think we have a quorum. It is 1:44. Today is March 2, 2017. Following lunch we're back up. On the expedited permitting one, we're waiting for staff to come back with a new draft that may incorporate most things. We can lay that out in councilmember kitchen's absence, but she's asked for us to not vote on it until she comes back and can see it. She'll be back at 1:30 -- 3:30, rather. We have the organics processing item, which we can move forward on. We also have the speed limit on Lamar item we can move forward on. 28 won't have any speakers. We want to do that and let some people go? We want to do 28, the speed limit issue? Let's go ahead and do that one. Then we'll go back and pick up the organics, and we may interrupt the organics to do the consent

calendar on the zoning matters so that a lot of people can go home. So we'll start then with the speed limit question. Staff here yet? Okay.

>> Casar: For that item I was hoping to have transportation staff to answer a couple questions for the record that we have.

>> Mayor Adler: Transportation staff should head on over too.

>> I'm Angela Rodriguez from the city of Austin law department, and I just wanted to say the yellow papers that you received this morning, what they did from what was originally posted was clarify a couple of segments from the speed study that we received from txdot.

[1:46:36 PM]

It clarified three portions, three segments, so that's why you received yellow copies early this morning. And I'm here -- here is Eric from the transportation department.

>> Mayor Adler: Yes.

>> I'm sorry, could you repeat the question?

>> Casar: Mayor, couple quick questions. Just to contextualize why I want to ask these questions. Since December we have been working on bringing down the speed limit on Lamar boulevard and a significant section of this runs through the middle of district 4 and in my district I think the most dangerous things folks faces poverty, but probably the next most dangerous thing is traffic deaths and traffic injuries. And those are both things that we can affect, and I do think it's important for us to lower the speed limit so that we can try to change some people's behavior to slow down, especially with some of the safety improvements coming in. At the same time I don't want to lower it so much that we criminalize Normal behavior that we have encouraged through our engineering and design because that doesn't do anybody any good and speed traps can lead do a cycle people getting ticket that they really didn't need to get and to other problems. And so the questions I want to ask is just to make sure that the transportation department feels strongly and comfortable that the section that is 35 miles an hour -- being set at 35 miles an hour that from y'all's professional perspective you can put in the sorts of engineering and design there that will encourage people to actually follow that speed limit?

>> Correct. Eric bol lock, Austin transportation. Yes, we believe that is the correct speed to put, 35 miles in that section, does encompass the safety improvements that our department is currently completing we think later this month and we think it's a consistent approach to setting speed limits.

>> Casar: Will y'all be able to do everything you can to avoid it from being a speed trap?

[1:48:37 PM]

What sorts of things can you do --

>> Councilmember, Robert spillar, director of mobility for the covers. It is in no one's interest to create a speed trap anywhere within our city and we work hard to minimize that possibility. In the project that Mr. Bollock just talked about, adding the pedestrian hybrid beacon, for pedestrian safety, that generated the need to slow traffic down here. So we're willing to do as much as possible to make sure people are aware, change the environment so people are aware they need to slow down. So we start talking about things like blinking solar powered lights on the signs to make sure people are aware of it, adding additional reflectivity or yellow or red around signs to make sure that people see that's different. Perhaps even putting up portable thermal message signs to alert people that traffic speeds have changed in the area. So we are looking to do a number of things. Then with this corridor being one of the smart corridors, also looking to change the environment permanently so that drivers understand to slow down. Sorry I was late. I was stuck waiting on a very slow elevator.

>> Casar: Well, thank you. And I'm -- I will be comfortable making a motion to move this forward, also knowing not only will we put all those efforts in, but also that y'all have committed to taking a look to make sure that it is working as maroon if it doesn't work as planned we can make any changes, be that giving people more of a notice or more signal or readjusting the speed limit as we've had to do in other parts of town when we didn't get the results that we wanted.

>> Yes, councilmember.

>> Casar: Thank you.

>> Pool: I just wanted to thank the staff for doing the additional work that we had standard for back in December, and I think that the resolution that we came to and the additional questions that councilmember Casar had raised brings additional information to the community.

[1:50:42 PM]

And I'm really happy with the results, so thank you both.

>> Mayor Adler: We have someone from the community, synovia Joseph --

>> Houston: I have something for staff when you get through with the community.

>> Mayor Adler: Mr. Casar moves passage of item 2. Is there a second to that? Mr. Flannigan seconds that. Do you want to ask your question?

>> Houston: Yes, thank you. Thank you, Mr. Spillar. Thank you, circulation for --thank you, sir, for being here today. This has happened in district 1 and the notices I hope is gonna be better on this stretch of road than it was on mlk because the speed limit was changed to 35 from 50 and the constable, Danny Thomas, didn't even know it had been changed so I hope you give more notice to the people in this community than evidently was given to those. Again, I would hope that you would come back to us within a year and tell us whether or not people were given tickets because that was the other problem in that district, is that people didn't realize, even though we had blinking lights, that the speed had changed to 35 and they were going the old speed limit and getting caught. So I hope you will give us a report in a year about what the tickets are.

>> Okay. We'll make note of that. Thank you.

>> Mayor Adler: Okay. Thank you, Ms. Joseph.

>> Thank you, mayor, councilmembers, sorry I missed the discussion. I went to kinko's. Do you want my document first, mayor? Synovia Joseph. My comments are specifically related to Parmer lane. Initially I signed up as neutral on the item but after considering the Parmer lane speed limit I decided that I'm against the item.

[1:52:46 PM]

Specifically because of the capital metropolitan transportation authorities voting on the plan on Monday. Route 275, which is the feeder bus, will no longer operate from north alarm transit center to tech ridge park and ride and the bus rapid transit station has yet to be determined as it relates to the Parmer lane area. One of the things to consider, however, is that there is a school in that area, not your ordinary school is the name of that school. It's not pedestrian friendly, so even if the bus rapid transit station is placed in that area it's not conducive to walking. So when you recognize the number of fatalities that exist in the north alarm corridor, it's -- Lamar, it's important to comprehensively discuss the transit plans. One of the other things I would ask you to recognize is that I do support reducing the speed limit from 45 to 40 as it relates to the Braker north Lamar area of the pass, however, I would ask you to recognize as well that there is a need for you to comprehensively plan transit because, again, connections 2025, it does proportionality impacts people of color and low-income riders, specifically route 383 from lakeline station consolidating with 392 at Braker means that those individuals will be

crossing in five lanes of traffic. I've made this information available to capital metro, and they have not considered it. I want you to recognize that just yesterday Rob Spillar told you that accidents occur midblock and he mentioned specifically that when you have a bus stop in the middle of the intersection, it actually is a safety hazard because it incentivizes individuals to cross in the middle of the street and that is exactly what will happen at Braker and North Lamar because individuals will cross to catch the 801 southbound, which is Chinatown.

[1:54:51 PM]

So I've given you the information. The other thing that I wanted to ask specifically is, what was the catalyst for this particular item? I did speak to the engineer from TxDOT yesterday, and I also spoke to the city's engineer, and I understand that the pedestrian hybrid crossings are one of the reasons why the speed limit needs to be reduced from 45 to 40. I would ask you to recognize, however, that there needs to be a pedestrian hybrid crossing at the same intersection that I -- intersection I keep referring to over where -- the Chinatown 801 stop is located.

[Buzzer sounding] And the last thing I'll say, Mayor, is that, unfortunately, I believe Connections 2025 reflects transportation discrimination, and I've given you broader versus Gail as case law. Thank you so much. If you have any questions, I'll gladly answer them at this time.

>> Mayor Adler: We're now back up to the dais on this item. There's been a motion and a second to approve item number 28. Any further discussion? Those in favor please raise your hand. Those opposed. Item 28 passes except for Ms. Kitchen, who is off the dais. Let's go to item 22, the organics processing item. My recollection of the -- this item when staff came up and talked to us Thursday was that it was okay to move this with the other four contracts so that they would all be discussed together, in other words postponing this item. Is that what I recollect you saying?

>> Austin resource recovery. Couple of things.

[1:56:52 PM]

One is that we could talk to the current contractor about possibly having 120 days holdover because in June of 2017, this year, this contract is gonna expire. So if the contractor agrees with us or would like to have this 120 days holdover it would take us to October. What that means is that -- and I want you to know is that in June we were supposed to start our next phase of our organics, which was organics program, which was 38,000 additional customers. So it would put that off to possibly next January.

>> Mayor Adler: Okay.

>> So, in other words, you've got 120 days holdover on the current contract, and we can work on the policies, policy issues that we've had, and then we generally should have two or three months to work with the additional customers, as far as, you know, education and how -- opt how to reach program goes. After that we should be able to start the next phase.

>> Mayor Adler: Ms. Pool.

>> Pool: Maybe we could hear from Mr. Scarborough. I just checked in with him to see about how we might be able to not impede the forward progress on the organics collection but still have the opportunity to include input from the organics by gosh folks in the policy discussion and crafting of some changes to our policies. If we do that fairly quickly. You were gonna check on that for me.

>> Yes. If council wishes to take the time to study the policy issues associated with collection and disposition of solid -- sorry.

[1:58:57 PM]

This microphone and I. My apologies. James Scarborough, purchasing. Hello. If council wishes to take the time to study the policy issues associated with the collection of solid waste, the matter of this particular item either need to be denied or extended further. This particular solicitation was conducted last summer and staff was actually ready to bring it before council back in September. We've asked for a number of extensions of the offer from the company, but after a certain amount of time, you're holding onto or you're preserving the competitive process is kind of long in the tooth. So, council, it's your discretion if you wish to vote this one down or if you'd like to ask us to reengage the contractor to extend it. But if in doing so you wish for contractors like this and other contractors to participate in those discussions without concern of anti-lobbying, I would also recommend that you consider possibly waiving parts of or all of anti-lobbying for purposes of facilitating that discussion. But I would always defer to our colleagues at the law department to make sure our interpretation of that would be correct. But I believe if you make it clear in your language from the dais on this vote that you wanted the contractors in this space to be able to participate in that discussion, that some mention of anti-lobbying and possibly waiving part or all of it for that discussion would be meaningful, but I would defer to law department in that regard.

>> Pool: Is it appropriate to -- from -- in your administrative capacity, are you able to withdraw the contract, or is that not the proper term?

>> We would defer to council to make a motion in that regard.

[2:00:58 PM]

>> Pool: We could make a motion to ask to direct you to do that? Okay. And then what about the anti-lobbying, the waiver piece? Because I wanted to be sure that we would be able to engage the principals with that company on our -- as a stakeholder in the conversation.

>> Mayor Adler: And beyond hearing what we can do, because I imagine there's lots of things we can, do if we describe to you what it was that we want to accomplish, can you tell us the best way to get that done? I mean, I think that what the goal here is to have a conversation that concerns the resource recovery contracts that would discuss the policy issues that have all been identified, including a conversation of the anti-lobbying ordinance and how it relates to these contracts and to have that altogether. I think we have four that are already in that, and so you tell us what is the best way -- that's what we wanted to achieve, what should we do?

>> Pool: And including in that if I can tag often to what the mayor is saying, we could have full participation of all the parties who may have either in the past or currently or future bid on any of these contracts.

>> Good afternoon, mayor, council. Cindy Crosby, assistant city attorney. The anti-lobbying is in city code, and the only way to waive it would be to bring back an ordinance for this body to consider waiver of anti-lobbying provisions.

>> Pool: Okay. So code prohibits us from waiving it.

>> There's nothing in code that says whether or not it can be waived. There's no delegation. However, because it's an ordinance, it has to be done or waived or amended by an ordinance. We can't do it by resolution and it's not necessarily

[indiscernible] This afternoon.

>> Pool: Got you. Hence, the two paths forward you have described, Mr. Scarborough, which would be either to approve it with an extension or to deny it?

[2:03:01 PM]

>> Mayor Adler: Help us think this through. If we reflect all the contracts -- that's what we did last time with the pending contracts? We rejected them?

>> I believe so.

>> Mayor Adler: So does the anti-lobbying ordinance come into play on any of those? Because there's no --

>> If you've rejected the contracts you don't have an anti-lobbying ordinance in effect right then. Unless you need to redo it.

>> Mayor Adler: But we can't zero, it can we, until we've had the policy conversation.

>> By ordinance you can waive the anti-lobbying ordinance.

>> Mayor Adler: My question is do we need to waive the anti-lobbying ordinance if there's no pending rfp because we've rejected the contract so we've closed that one out, that's done, and we're not initiating any new ones until we have the policy conversation. I'm not sure we'd be waiving it as -- why we would 2015 because there's nothing to waive because there's no -- the anti-lobbying ordinance I think only comes into play where there's a pending purchase procurement process but if we rejected it and there isn't one pending, I'm not sure there's anything to waive.

>> Mr. Mayor, if I may, in the code there is a provision if we reject all bids anti-lobbying continues if the stated intent to reissue the solicitation and that lasts for a period of 90 days. And so if there's the express intent to go out for another solicitation, then anti-lobbying would continue for 90 days. If council makes it very clear that the intent is not to go out for solicitation, anti-lobbying would not be a factor.

>> Mayor Adler: I think when we said last time we don't know what our intent is so clearly there's no intent to reissue because we can't formulate the intent until we've had the policy conversation. Right? So if we were to do this this time, to put it in a policy conversation, again, there would be no intent to reissue unless and until we have a policy conversation and that would appear to be the right thing to do.

[2:05:04 PM]

With that said then do I understand correctly we don't run afoul of that 90 day rule? Because we want these people to participate and we don't know what's gonna happen after that.

>> Robert Goode, assistant city manager. There may be issues in scheduling. We're holding over existing contracts. So we assume that after the policy discussion we will reissue depending on the results of that policy decision and our rfq, rfp to move forward. So it may be cleaner for y'all to come back and just waive the anti-lobbying ordinance on March 23 for these issues and we can move forward with the policy discussions on all of the above.

>> Mayor Adler: Okay and that would be fine. I don't see any harm in doing that, but the intent is to have everybody -- everybody being able to sit at the table and talk about policy issues, including the anti-lobbying ordinance itself and all of the -- all five contracts so that they're all being discussed at the same time. So whatever we would need to do to affect that would be what I would be interested in. Ms. Houston.

>> Houston: Mayor, let me ask the question. If we don't hold over the contract and if we start all over again after 90 days, who picks up the compost?

>> Right. This is the next phase of the organics program so we'd have to hold over the existing contract, which is processing the organics now that we collect.

>> Houston: Okay.

>> The contract for the next phase, that's what he was saying, we may, depending on how long it takes us to handle policy, that may delay the role-out.

>> Houston: Of the next phase. But the current people in the composting will continue to get their --

>> We'll have to work with them to hold that contract over, yes. Fluff.

>> Houston: Okay. Thank you.

>> Pool: My understanding is we do have an extension that would come into play.

[2:07:05 PM]

>> There are no extensions on this contract. It expires on June 22.

>> We can do a 120 day holdover and I believe it's unilateral, so the city could collect to do 120 day holdover.

>> Pool: Beyond the June?

>> That's correct.

>> Pool: That's the piece I wanted to clarify. Okay, thank you.

>> Mayor Adler: Ms. Alter.

>> Alter: Would it be an option tonight with how it's been posted to direct staff to bring an ordinance at the next council meeting to waive the anti-lobbying ordinance or this class of situation for a period of, say, six months?

>> We could certainly do that.

>> Alter: But legally can we request that or do we have to go ahead and --

>> Mayor Adler: I think council here looked at the posting --

>> You can give direction from the dais for us to come back March 23 and bring an ordinance to reject the anti-lobbying ordinance and you can reject this, either way today.

>> Mayor Adler: What would you recommend as the best way for us to move forward knowing what we're trying to achieve.

>> I'll weigh in. I think it's cleaner if you waive the anti-lobbying ordinance. That way everybody can participate in this policy discussion.

>> Mayor Adler: Bring that back to us on the 23rd. What should we do today with this item?

>> I would suggest we could just delay this until after the policy discussion. I'm not sure if you have to reject it if you waive the anti-lobbying -- I defer to law. If we don't reject it but you waive the anti-lobbying ordinance, everybody can participate. This contract is still there if we get it done and can bring it back if y'all choose, and that this bid would still be in place.

>> Mayor Adler: Okay. We would just then postpone this indefinitely without any date certain to pull it back. Is that right? Is that right?

>> Mayor, that's definitely an option.

>> Mayor Adler: Do you have a better option?

[Laughter]

[2:09:10 PM]

>> Houston: Mayor?

>> Mayor Adler: Do you have a better option?

>> If the intention is to preserve the item as-is then I think postponing it is useful and meaningful. If the intention is to address the -- this particular service in some other manner and the option of this particular approach is not among the options that you're going to consider, I don't think it would be useful for meaningful from the department's perspective to entertain that.

>> Mayor Adler: And I don't think we know.

>> So then continue --

>> Mayor Adler: So we want to have that conversation. Ms. Houston?

>> Houston: I just want to say to the -- my colleagues that I am very uneasy about waiving the anti-lobbying ordinance. If we don't want to have an anti-lobbying ordinance that would be separate and

apart discussion from this one because the next time something like this comes up somebody will want us to waive that as well. I'm very uneasy about us doing that in this instance until we have the discussion whether or not we keep anti-lobbying inked and when that is rather than just waiving it on this one.

>> Mayor Adler: Help me think this through, Ms. Houston. Because the goal here is to have -- I think is to have exactly that conversation. Do we want to have an ordinance? And if we do, what should it and what we're hearing from council is that if we want everybody who is interested in this at the table for that conversation -- because that's what we want, I would think, to let everyone come in and speak their piece on that issue, but what we're hearing is if we want everybody there, we're now in this catch 22 where we have to aware of it in order to get everybody here. So it's kind of -- it's a really unique situation. We're only waiving it so that we can have exactly the conversation that you were describing with everybody there. That's the only reason we'd be doing it.

[2:11:14 PM]

>> Houston: I'm talking about the precedence of waiving the anti-lobbying, not about this particular contract. I'm just talking about what that looks like to the public, where in this instance we'll waive it, then we'll have a discussion about this contract, but does that then impact all the other contracts that we have? And so people need to be really clear about the fact that somebody at another point, five years from now, will come and say you need to waive it because you waived it for this particular contract. And so that's my uneasiness about it. I prefer that we reject all of them, reissue something or have another public forum so that we can have that conversation about have everybody at the table to talk about what their particular strengths are.

>> Mayor Adler: The challenge we've got, they said even if we reject them all at some level somebody is going to be saying at the end of your conversation you're gonna be reissuing something and it's the fact that we're gonna be reissuing something that they say catches us in the anti-lobbying, even if we reject them, the fact that the possibility exist that's we might reissue them might catch us again. That's the quandary in which we find ourselves. It's well-taken. In this case I would probably waive it and we can consider that on the 23rd only because I don't see any other way out of the box and I want everybody at the table as soon as we can get everybody at the table to decide this question once and for all. Ms. Pool.

>> Pool: I think that's the way forward so we would step --

>> Mayor Adler: Postpone indefinitely.

>> Pool: Postpone indefinitely, that does not interrupt existing social service there is 120 day extension on that that adds on to the end of June. I promise to work diligently to kind of steer this conversation with everybody involved and that actually means that everybody can be involved if we are able to waive that.

[2:13:17 PM]

>> Mayor Adler: Okay. So before I get to the public speakers is there a motion to postpone this indefinitely? Ms. Pool makes that motion. Is there a second to that motion? Mayor pro tem --

>> Tovo: It's not seconded.

>> Mayor Adler: Is there a second? Ms. Alter seconded it. Serve raising their hand. There's been a motion to postpone this indefinitely. With that would be the request that you come back on the 23rd with the anti-waiver so we can have the policy conversation. Now I'm gonna turn to the public and see if given what you've seen on the dais anybody in the public thinks that they need to talk now. You certainly have the right to be able to do that. Philip gosh, you wanted to speak to the council? Is Donna sheriff. You have nine minutes if you want to speak to council.

>> I'm a little confused. I am organics by gosh.

>> Mayor Adler: And you have -- so please take the time to speak to us. My guess is we're not gonna take any final action on the larger issues so that we can have a broader conversation about how we're doing all of these things. But --

>> So the anti-lobbying is -- it's okay for me to talk?

>> Mayor Adler: You can talk freely while you're at that dais.

>> Okay.

>> Mayor Adler: Counsel, that is correct, is that not? Unless that poses a question later on. Thank you, Ann.

>> Okay. I just want to express appreciation to all of y'all for your service and thank you. It's really important what y'all do for the community. So my name is Phil gosh with organics by gosh, and I'm representing about 30 employees and about 50 grassroots kind of entrepreneurs that what we believe in is stewarding wasted food.

[2:15:23 PM]

And in that what we're doing is we're building water conservation and we feel that's really important and that's the heart of what we're about. We're not a landfill. What we solely, do we take materials and then we make something good out of it. And so if any of y'all have ever compost understand your backyard you kind of know what that may entail. It's a lot of work, kind of dirty, and it takes time. It's a little different than the traditional recycling, like, single stream, where if you get aluminum cans in and you put them -- bail them and put them on a car the next day. By organics processing is over time. Is it okay if I ask if there's any questions or I guess --

>> Mayor Adler: [Off mic] Council can ask you questions and they could call you back later to ask a question as well.

>> Okay.

>> Mayor Adler: Anybody have questions at this point?

>> Okay. Thank you. So if it's okay I'll tell the background of kind of what we're about and kind of started back -- my family is a -- had a farm, my grandparents in west Texas. So there we kind of learned about multigenerational and also multicultural working together to make a difference in the community. And so organics by gosh, that's just our DNA, those values of working together. So we believe our approach is rather unique. What we want to do is build multiple facilities that build multiple systems to promote organics recycling or wasted food. And so, for example, of that -- for example, Mr. Garcia that brings -- he has a tamale company, ask so we'll bring his corn leftovers and we recycle those.

[2:17:33 PM]

There's many entrepreneurs that are doing things, collecting material. There's mostly small individuals but they do quite a bit of volume and we feel it's really important as a community that we work together and -- to accomplish this goal, and we believe it's really healthy. So one of the -- one of our values is we look at organics as a resource, and so in that there's responsibility to steward those well. And so, for example, the organics processing, the pilot we've done since 2012, we've done it for pre, at zero cost. For free, at zero cost. What that means is when product comes in, we're out there picking out uncompostable things. We have a no glass policy, but we're actually having to pick it out and to separate from the better organic material. And so this model that we've done by allowing little or no tipping fee, we've proven that you can do this over time. And so in the past five years it's allowed us to show that, hey, you can take these things, you can market them over a period of up to even 12 months, and create a value product that can then go back and build soil health and water conservation. And so it's a privilege. We -- it's a real joy to do it. We've got an amazing team that are submit committed and it's

definitely -- that are committed and it's definitely hard work but we're excited about Austin as being kind of awake for this organics piece. We had some folks from Africa, Uganda, visited over the last couple years and they said we're gonna bring a team to learn about the importance of this from all over the world. Organics by gosh, we say from Austin to Africa because that's really what we're up to, helping others to build these systems that can make a difference for the environment.

[2:19:39 PM]

I might say we're not perfect. We're learning a lot every day, and it's a super privilege to do. But we feel it's really important. So one of the concerns with -- you know, so we're fully vested in this. We've done it for free for about five years now. For the city. And we've also proven that we can do it and we're supporting our community, what we believe is healthy, let's all work together and make a difference. And we actually have three sites that we've been working on for a number of years. We have two current sites. One was recently permitted by T.C.Q. One is a 7.28-acre, and the other one is a 27.28-acre. And on those properties, there's a lot of potential for growth and then we also have a site just north of downtown that we've been working on. We've got a landowner that is really vested in the importance of organics recycling and we're excited to see the benefits that that will bring the city when that comes on. But we -- I will say it has been rear challenging to do it for free. It's cost us so I'm not really excited about postponing it anymore, but I believe be in what we're doing and we've gone this far, so appreciate your support to move forward. Any questions?

>> Mayor Adler: Do I want to say that -- I do want to say the city is very appreciative that you have participated and helped with this pilot program and done it without compensation.

[2:21:40 PM]

And if there was a quick way to get from here to there, I would be all over it. But there's a conversation that we really need to have and at this moment I think you may just be caught in that moment.

>> Yes, sir. No problem. Our privilege we believe in what we're doing. We've got a great team.

>> Mayor Adler: Thank you. Anything else? Thank you.

>> Thank you, sir.

>> Mayor Adler: Bob Gregory, do you want to speak? Is Ryan Hobbs here? Is Adam Gregory here? Is Gary newton here? Mr. Gregory, you have 12 minutes if you want it.

>> I have a handout, as you would expect, and it's coming your way. And I'm not gonna go through all the things because of what I think you're heading to, do but there will be time for that during the discussion in other words when it comes back. But there is one thing I did want you to see. First of all, first handout is what I sent you on Monday that fully explains our position. The second handout I'd particularly like for you to see, it says there's no urgency to approve agenda item 22 on March 2. Existing city contract with organics by gosh is -- does expire on June 22 of this year. The city can then exercise the already agreed to -- it's already done. It's already been agreed to in the contract, 120 day holdover period which takes it out until October 20. You can see the pages from the contract in the handout. The second handout in your package. I encourage you to look at it so there's no question that it can be extended. There is a price. It is not free. There's penalties that are charged. So it's because he's unable to do it unless charging a fee there's some things you need to know. That's one of the reasons why this contract needed to come forth. It still needs to come forth.

[2:23:41 PM]

And I encourage you not to approve any contract like -- on this until the full contract, the unredacted contract has been posted for public comment and review so that you can be advised on it. I do urge you also to look at the documentation and the statement that's in the transcript attached to this handout that I just -- your second handout because it allows -- it states -- it was two weeks ago purchasing explained to you, when you denied the city-wide dumpster contract, purchasing explained that they could do this without going out for procurement to provide the services? The same thing will apply to organics composting. There is absolutely no reason to delay the implementation of the educational program. There's no reason to delay the implementation of the collection program. Composting [indiscernible] Tedious or one of the other composters in town by negotiating contracts. Back in 2010, when the rfps were so messed up like they are now, the council just denied all of them. That was the end of it. Then they directed staff to negotiate with the companies that ended up getting the contracts. All of that is still allowed under state law. So there's no reason to delay any of the educational program or the implementation and the diversion away from landfill disposal. The other things I have, which will be a discussion -- topics going forward and part of the reason to make public the contract is the description of whether these items -- whether these facilities even meet the solid waste siting ordinance in Travis county.

[2:25:43 PM]

We do not believe they do. One of the facilities that they have stated is permitted or is in the mail is not. Only a week ago today, the notices went out to surrounding property owners for the facility in bastrop county. You have before you an aerial photo that shows all of the receptors around the facility where all the material is going now and how that relates to the Travis county sight ordinance. Siting ordinance. You also have a map and aerial photo that shows the receptors around the facility that received notice last Thursday, the residents around it in bastrop county for this material to come to. They are just now learning about this. So even more reason to either deny the contract or to put it off so that they're not caught by surprise. You also have a third facility that you have an aerial photo of that has composting going on. This is part of the synegro contract, and it was gonna go to one of the organics by gosh facilities to complete the composting process. All of this information will be known if the contracts are made public. Please allow them to be made public. You will see the annotated comments by tds to the memos of that come to you and to the zero waste advisory commission. You'll see the transcript of the zero waste advisory commission where these things were discussed. It's confusing because the -- two days ago the item -- a portion of, not all, a portion of the rfp response from organics by gosh was posted for public review. In that, there are prices of \$35, \$38, 35 to \$38 a ton, it's not free.

[2:27:48 PM]

There's prices quoted. But the alternative pricing was blacked out and it's deleted so we can't see that. We don't know what those things are. But there is -- the devil is in the details. Again, hopefully you will make sure that that gets posted for comment before it goes out. The last thing in your package is the memorandum that came from Sam angori on the policy issues. There are the last -- six, seven, eight, numbers six, seven, eight, directly deal with this kind of waste. I encourage you to keep this open for -- this item open and not secured by a contract while you go through your policy discussion. And the only thing I'll talk -- I'll speak to related to whether you withdraw it or postpone it indefinitely or not -- and this is a legal question that I would encourage you to ask of your city law department. It is my belief, because the city law department has taken this position before, that as long as an rfp is -- remains outstanding and has not yet been denied or terminated or expired, which by the way this has been out beyond the six-month period it would normally expire so it could easily be declared as expired, but if it's

open, the staff can't participate in the discussion. I strongly urge you to have everybody who is a participant in the market to be able to talk and to participate, there's no anti-lobby. I encourage you to have it where staff can participate as well. That's my only concern if you leave it open. So it may be if you delay it today, you may have to bring it back for a discussion, for an action item to either terminate it or let it expire, knowing that once your policy discussion is completed, you can direct staff to negotiate with Phil or tds or anyone else to put in place a contract with a matter of days.

[2:29:57 PM]

The law allows you to do that. And then do you not have to miss a step. But in any event, please don't -- don't defer from what it looks like you're headed for as a full policy discussion. We encourage that. We encourage everybody to be a participant, participate in it, including staff. So I'm happy to answer any questions.

>> Mayor Adler: Thank you very much.

>> Thank you very much.

>> Mayor Adler: Next speaker is Michael Whellan. Do you want to speak? Is Andrew Dobbs here? Gus Pena is on deck.

>> Hey, thank you, mayor, council, Andrew Dobbs, Texas campaign for the environment. Appreciate your consideration of this today. And it has gotten pretty complicated and I'm grateful for everybody's patience with this. I'll start out by saying that I believe that postponing this indefinitely and then on the 23rd waving, these -- it's probably the best way to proceed. And I think that because it gives you the most options. If you cancel or if you cancel the contract, you can't go back on that, right? Like it's done. But if you postpone it indefinitely and after we've had this policy discussion we're, like, hey, you know what? This contract is exactly what we want, then we can pick it right back up and put it right into place. If on the other hand, we should start this process over because our policy discussion, we can always cancel it at that time. To this retains the most options for you, and so I would say that. To councilwoman Houston's comments earlier, I'm with you 100%. My big philosophy on this, the anti-lobbying ordinance exists for a reason, anti-corruption.

[2:31:58 PM]

We are very lucky to live in a city that has almost no corruption as far as I've ever heard of. I grew up in the Dallas area where that is not something commonly said. And, you know, the reason these things are put into place to prevent that. The waste industry is one that has a bad reputation. That's what Tony Soprano did, right? So we need to prevent -- we need to be very careful with this. In this instance, I think that we're being very conscientious and very public and very deliberate and we're memorializing this in a variety of ways that I believe prevents abuses and I think it's important that we be very explicit about that. And I don't see, as the mayor said, another way around this. Let me flag a few things here. We have some priorities, we have some principles, we have some problems right now. The priorities for us is we want to see this program implemented as soon as possible. That was something that did not come up in the discussion earlier in terms of goals. We don't want to see this delayed until next year. We want to get this started this summer, you know, what is it gonna take to make that happen, you know, that is a crucial piece of this that needs to be flagged. We also, though, don't want to screw this up. And that's a big priority. Because if we go in, head long, we get a contract and -- that doesn't work for some reason and we have a problem on our hands, we can put ourselves in a position where the public or other he is not are saying let's just -- entities are saying let's just forget about it and we don't want that to shop it's about finding that balance. The principles here are that we need to see the contract before it gets approved and this needs to be something that we do across the board. You know,

when you get these items on the agenda that are, you know, negotiate and execute, that amounts to, hey, here's a sheet of paper, go ahead and sign this and we're gonna fill it in with a contract. That's how we read that. And that is not an appropriate step.

[Buzzer sounding] We need to see that. So, you know, I think that we're gonna -- we're looking forward to these conversations.

[2:34:00 PM]

We'll definitely participating in them and they're grateful for your service. I'm happy to answer any questions.

>> Mayor Adler: Thank you very much.

>> Thank you. Mr. Pena.

>> Mayor and councilmembers, Gus Pena. Here's my id when I was an investigator with the irs. Okay? I'm not a dummy. But what we did roi, which is a report of investigation, we vetted the system, we investigated and got the facts and figures and educated the participants that are involved in all the case. Such as the case as this, mayor and councilmembers. And I think Mr. Gregory, I alluded to the fact very eloquently and more better than I can. I'm not a dummy. Maybe I'm dumb sometimes. My wife says sometimes you're a knuckle head, but what I want to do is this, the T word, [indiscernible], dumb, transparency. Educate the public. I came over here and I really didn't know too much about this program, about composting, et cetera, but it's very, very crucial to have an open process, educate the public before you go, you know, [indiscernible] On wheels, go forward. Let the contract be divulged to the public as it should be, and it ain't being done, excuse my bad English. My issue is either delay or postpone, but our issues, excuse me, coming in from veterans for progress, because we have some people that are educated on the Earth, et cetera, and what contaminates, what's not, what's spread on the soils that we walk on or breathe from, so it's very important. And I'm not gonna say too much because I think Mr. Gregory said it all and eloquently. Mayor, councilmembers, if you ever heard anything from me, maybe I've been -- I go overboard and, you know, act crazy sometimes, not that I think of, my wife says so, but the issue is this, is listen

[2:36:03 PM]

to this: Transparency, transparency, transparency, educate the public, open the process to everybody, inclusion. When I wrote the report of investigation, it was precise and concise, so everybody can understand all points. Now, whether you want to believe me or not, I don't care. Here's my former id. Anyway, mayor, councilmembers, I support the comments that Mr. Gregory made. I'm not gonna say anything but sometimes I talk too much is what my wife says but, please, listen to the people that know about this, educate the public, and transparency. Thank you very much.

>> Mayor Adler: Thank you. That gets us back to the dais. There's been a motion and second to postpone this indefinitely. Any further discussion? Those in favor please raise your hand. Those opposed? All in favor with Ms. Kitchen off the dais. Postponed indefinitely. Is planning staff here to work us through the consent agenda? Let's do that. Allow some peopling to home.

>> Thank you, mayor, council, Greg Guernsey. Our 2:00 items, first item I'd offer is item 48549, this is to zone the property to w-lo, ready for consent approval on second and third readings. Item 50c14-2016-0123, property located at 6914 Mcneil drive, zone the property to gr-co, combined district zoning with conditions, second and third reading. I'll note that the requirement for sidewalks is already required by city code and site plan, I'll read that into the record just to note that because it was a condition of the commission but it's already part of our code that it's required, those two stages of development.

[2:38:16 PM]

Item number 51 is case npa-2016-0005.03. This is for various properties on Montopolis. Staff is requesting a postponement of item 51 so May 4 agenda. Related item is 52, c14-2016-0113, property located on Montopolis drive, again, staff is requesting postponement to May 4 agenda. Item 53, case npa-2016-0013.01 for the property located at 908, 1,000, 002 South Second Street, single family land use density in the Bold Inn concrete neighborhood, ready for consent approval on all three readings. Item 54 for various properties on South Second Street and Christopher Street to zone the property to sf-6co combined zoning. I'll note on this particular case there was a private restricted covenant the parties have agreed and we have signatures that have been removed from the petition so it no longer requires a supermajority. The petition stands at 16.28 but the names came off because the private agreement had been executed so we can also offer that for consent approval on all three readings. Item 55, npa-2016-0016, staff is requesting postponement of this item to April 6 agenda. Item 56, c14-2016-0079 for property located at 32 East Cesar Chavez Street, zoning case related to the previous case and staff is requesting postponement of this item to April 6 agenda.

[2:40:24 PM]

Item 57, npa-2016-0022.01 for the property located at 3920 South I-35 Service Road Southbound. Planning commission recommendation was to grant the commercial land use, ready for consent approval on first reading. The applicant and adjacent neighborhood have agreed to final condition to be added to the conditional overlay, that is that a fence constructed along the south boundary would be provided and maintained, screening the commercial from the adjacent properties. That I understand we could offer this for consent approval on first reading. Item number 57. Item 58, c14-2016-01005 for property located at 2930 I-35 South. This is zoning change to cs-co-mp combined, ready for consent approval on all three readings. And that's with that same condition. Item 49559, c14-2016-0020, for the property located at 7717 Southwest Parkway. This is a Lantana case, staff requesting postponement to April 6 agenda. Item 60, c14-2016-0021, this is for a property located at 420 East FM 1626. Staff is working with the applicant on some traffic issues and staff would request indefinite postponement of this item. This would require renotification when it comes back and that's item 60. Item 61, c14-2016-0039. We had changes and corrections that would be considered at 4:00 today so I'll skip item 61.

[2:42:27 PM]

Item 62, 63, 64, Mayor, are regarding Plaza Saltillo. If I could go through consent items we can come back and see if there's anyone here to speak to the Plaza Saltillo items. Item 65, no action is required on item 65. Item 66, c14-2016-0071. This is for the property located at 1301 West Koenig Lane, staff is requesting postponement to April 20 agenda. There's floodplain issues staff is still working with the applicant on. We'd like to clear those up before we bring this back. Item 67, c14-2016-0124. This is located at southwest corner of East Howard Lane and Harris Ridge Boulevard. Staff is requesting a postponement of this item to March 23 agenda. Item 68, c14-2016-0126. For the property located at 1300 block of East Howard Lane and 13414 Harris Glen Drive. You have a recommendation to grant sf--4a-co, combined district zoning and this is ready for consent approval on all three readings. Item 69, c14-2016-0130, for the property located at 11410 Manchaca Road, staff is requesting postponement of this item to April 6 agenda. Item 70 is case c14-2016-0131. This will be a discussion item. Item number 71, c14-2016, 0132, this is for the property located at 1311 South Lamar Boulevard.

[2:44:34 PM]

This is to zone the property to csv-co combined district zoning. I'll note that the applicant has agreed to provide a mix of affordable units that will match the market rate units, and that also there's a private restricted covenant being negotiated between the property owner and the neighborhood and staff would offer this for consent approval only on first reading. And that's item 71. Item 72, c14- 2016-0134, property 11126 -- staff is requesting postponement of this item to March 23 agenda. Item 71920c14-85-49.02 for various properties on fm1325, staff is requesting postponement of this item to March 23 agenda. Item number 74 is c14h-2016-0120 for the property located at 2805 Woolridge drive, recommended to you by commission for sf-3h-mp combined district zoning, ready for consent approval on all three readings. Item 75 proper the property located at 104 west 32nd street. It is recommended by the commission for sf-3h-nccdmp combined district zoning, ready for consent approval on all three readings. Item 76, c814-2014-0120, Austin oaks, again no action I think was indicated by council to us after 6:30 although you may take speakers on this item. I would say we should just hold this. I know, mayor, there's at least one speakers that present that would not be able to speak this evening but can speak now but if we go through the consent agenda then you can make the decision to hear those speakers on plaza saltillo and Austin oaks after the consent agenda approval.

[2:47:00 PM]

Oh. Mr. Rusthoven just passed a note on to me that item 58 is only for consent approval on first reading only.

>> Mayor Adler: So consent agenda runs between 49 and 76. There's some items pulled. Is that right?

>> That's correct.

>> Mayor Adler: Which items are pulled?

>> So the items that would not go forward and would be discussion would include item 61, which I think was time certain at 4:00,.

>> Mayor Adler: 62, 619-2064, 75, 76?

>> Yes, and the plaza saltillo items.

>> Mayor Adler: I'm just trying to figure out which ones have been pulled. I have 61, 62, 63, 64, 75, 76.

>> And 70.

>> Mayor Adler: And 70.

>> 75 is consent.

>> Mayor Adler: Do I have a motion.

>> Mayor Adler: Not 75?

>> Not 15.

>> Mayor Adler: Okay. Sorry. So the items that are pulled are 61, 62, 63, 64, 70. And 76.

>> Correct.

>> Mayor Adler: Is there a motion to approve the consent agenda? Ms. Troxclair makes that motion. Is there a second? Yes, Mr. Flannigan. Is there any discussion on the consent agenda? Do we have anyone here that wishes to speak on the consent agenda? Okay. Yes, mayor pro tem.

>> Tovo: Mayor, I need the record to reflect my recuse alone items 53 and 54 and I filed an affidavit with the clerk and I have a very quick question about item 50. For Mr. Guernsey. I'm assuming that's new that sidewalks were required later in the process.

[2:49:01 PM]

I wonder if you can provide me with some background about why they added it in as a condition. In reading through the staff report I don't see any clarity.

>> I think they just wanted to be sure. We just have a policy to not include it in an ordinance of something that's already required but they just asked us to be sure. So [indiscernible].

>> Tovo: Okay. So there's no way this development can move forward without sidewalks?

>> No, not unless they got a variance from the planning commission.

>> Tovo: That variance from the planning commission require council approval?

>> Not with a subdivision. At the time of site plan usually it's actually a second stage involvement process that triggers the sidewalks. But other than the subdivision they would have to go forward with the --

>> Tovo: They'd have to do what?

>> They'd have to go forward with the construction.

>> Tovo: I wonder if that's what zap was -- I mean, I wonder if that was in the back of their mind when they required that as a condition of the zoning approval.

>> I don't think so. To my knowledge the applicant has not indicated any desire to not do the sidewalks. I think it was just something they were asking us to be sure got done.

>> Tovo: So it was the staff's decision to remove it or it was the applicant's request to remove that.

>> It was as the staff's decision because as I said we don't normally do ordinances that repeat existing code.

>> Tovo: Okay. All right. Thanks.

>> And, mayor, just to note, as applicable if there were public hearings those would also be closed as part of your motion.

>> Mayor Adler: On the consent agenda?

>> On the consent agenda.

>> Mayor Adler: Yes, to the degree they included closing the public hearings as noted -- as posted, those public hearings are now closed. Yes, Ms. Houston.

>> Houston: Mr. Guernsey, I want clarification on 53 and 54. What reading is this we're doing today?

>> 53 and 54, this is for consent approval on all three.

[2:51:01 PM]

Prior to this meeting, there had been several negotiations between the neighborhood and the property owner regarding this case, and so you had jointly several postponements that were made. They had come to an agreement. The agreements have been signed and there was a petition that was valid to -- as I understand to ensure the agreement would be carried through. And so there have been names of folks of that signed the petition, have withdrawn their names from the petition because the agreements have been signed. And so it's my knowledge -- to my knowledge that, one, the petition is no longer valid. There's still a petition but it's no longer valid during the super majority and that all the parties are now in agreement between the neighborhood and the developer.

>> Mayor Adler: Okay. We have a movement and seconded to approve the consent agenda. Those in favor please raise your hand. Those opposed. Ms. Houston.

>> Houston: May I be shown voting no on --

>> Mayor Adler: 53 and 54.

>> Houston: 53 and 54 and consent on the rest.

>> Mayor Adler: Okay. With that notation, it was unanimous on the dais with Ms. Kitchen off the dais. So thank you. It should be noted in the record that items number 42 through 48 were set for executive session but there will be no need for executive session today on those items. That leaves us the expedited permitting item, the affordability issues, and saltillo -- Thorton plaza saltillo, Austin oaks. We have no citizens signed up on number 70.

[2:53:07 PM]

You want to take us through that is.

>> I'm wondering when did you want to do the public hearing? I know some of those people have to be other places at 3:30, 4:00, so I wanted to make sure. I don't think we have too many from Austin oaks that are here but we did set that time aside.

>> Mayor Adler: All right. Soelettes call those people. Council, let's figure out how we want to do the public hearing on these. And I've asked my staff and the clerk to check on what happened at the last meeting, and I haven't heard back yet. But in the saltillo case, someone has contacted me to say that at that last meeting we closed the public hearing except principals to speak this time. Is that your recollection of what we did? Mr. Renteria, do you know? Do you have a recollection? That was one issue. Then the second one was on the Austin oaks, someone came back and said that we gave people the opportunity to speak on either first reading or second reading but not both readings. And then they had a list of names of people that had made the election to speak. We did say that we would let any principals that spoke in that group to speak again. My staff is up trying to find the videos right now and as I sit here, I don't know the answer to that. So while we're checking that, anybody that doesn't have independent recollection of that, then I would call the -- yes?

>> Pool: I'm glad somebody is gonna check but what I remember from Austin oaks was you gave people the choice to speak but it wasn't limited to principals.

[2:55:07 PM]

>> Mayor Adler: No, no. What I had said at the time was you have to choose between first and second but if a principal spoke at the first time I would let that principal speak again. So they were going to be allowed to speak twice. Then there was a list of names that were -- we could ask the people, you know, when they come up if they recall that or not, but there was a list of names and my staff is upstairs on that. There's a --

>> Troxclair: Mayor.

>> Mayor Adler: Yes.

>> Troxclair: While we're figuring this out, is it possible to take up -- to take public testimony on item 32?

>> Actually, one question came specifically because you said this time period so she could come since she couldn't come this evening and she's the principal so I personally would like it to be open, the hearing to be open for everyone and by the motion that I made with my postponement for the public hearing no reference was made to those differences so I'm uncomfortable with closing it. I'm okay if we wait to resolve that. I'm perfectly happy to have Ms. Sats who is the only one I see in the audience I'm aware of who is here to take advantage of this opportunity to move forward. I welcome her testimony and have no problem -- my opinion, as many people want to speak on this should speak. There has been shifting ground and I think that would be most appropriate but I don't think we have to resolve that before we allow her to speak.

>> Mayor Adler: I think that's true and I think she is a principal. So if Joyce sats is here, let's have her speak on Austin oaks.

>> And I don't think I have --

[2:57:10 PM]

>> Mayor Adler: Ms. Sats.

>> I don't see it -- and I think, Mr. Mayor, that in email with your staff, the conclusion after the last meeting was that anyone who had spoken before could speak again.

>> Mayor Adler: I'm just trying to chase that down. I have that language that I had when I closed it, but I've seen this email too so I'm trying now to reconcile what I see that I said versus what we've got. Either way, you get to speak.

>> Did my materials get distributed? Mr. Mayor, councilmembers, thank you very much for giving me the opportunity to speak again about a concern regarding the Austin oaks P.U.D. I'm Joyce Stots, the immediate past president of the nuaca board, deeply involved in this case for the last three years. I'd like to focus your attention to one of the biggest issues in our neighborhood regarding this development, and that is the height of the proposed buildings. In particular I'd like to discuss one necessary measure for handling heights in a case like this and I'm sure you're going to see more cases like this where the topography is very uneven and we need to know the altitude of the buildings, the mean sea level heights of the buildings to understand the profile of the development. When we were hearing this case, they removed the msl figures that used to be in the Austin oaks land use plan height tables. There were some errors in those tables and those have been corrected but we now need to add that information back. We need the building heights. We need the garage heights. This table of heights of the buildings shows us how the msl gives us a profile of the current plan. We don't have any other 3D model to show us how these buildings will lay out in this very uneven topography so the msl figures give us an essence of that 3D profile. If you look at the two rows hypothetically highlighted in yellow you'll see the conundrum we face.

[2:59:15 PM]

When you look at a four story building 55 feet tall it's actually at a much higher altitude than a seven story building that's 92.5 feet tall. You can't see that kind of profile without a 3D model or the data in msl. Here is another example. Here is another example that are being discussed with potential amendments to the current ordinance. If we add an additional floor to a building which ones should it be added to? Add it to building 12, you actually create something that is higher in altitude than anything else in the current proposed plan. If you add that floor to building 3, you give us something that's at 890msl, an incredibly high building. Whereas if you put that floor on building 4 it's at 860. So you can't really tell from just the number of feet tall or the number of floors what you have in fact on that site. We really need the triple constraint of number of floors, number of feet and msl. So that we can use the height and feet and stories to help us compare to other buildings that we know, but we can use the msl to give us a profile of the building on the site. So I would ask you to use msl in our application now, in our ordinance now. Because the use of msl adds clarity and constraints.

[Buzzer sounding] City staff says they can use it and will constrain to whatever is the lowest height when they do a site plan review. The ordinance needs to formalize that idea as well as adding back the msl to the charts. I'll be happy to answer any questions.

>> Mayor Adler: Yes.

>> Alter: Thank you for all your hard work to make this the best possible project.

[3:01:20 PM]

It's much appreciated. So my staff is working on trying to come up with the appropriate language here. Is my understanding that we have to establish where we start the measurement as well in terms of the stories, do you have any additional information or clarification?

>> I provided in the material that you have slides following the ones that I showed in which there's a language that explains what was done this time. And so having some base of understanding of the topography, having an agreed on topo map is the starting point. And then working from there they can do measurements and arrive at the expected msl at the top of the building. And I realize from a member

of your staff that we don't have anything in city code yet that codifies that. Somehow we do have to have a agreed upon definition.

>> Alter: Is there anything else you would like to add that you think we ought to know about msl as we're thinking about this project?

>> Well, one of the concerns that we had as this project was being discussed after the Charette was what's the impact on the rest of the community nearby. And if we can show the use of msl to give people a good idea of how it's going to look in the profile along with everything else along the highway, that's going to help us working with future cases as well.

>> Alter: And one of the reasons that we need to rely on msl in part is because we are not able to require a 3-d model as part of this process.

>> Apparently not.

>> Alter: And so the msl is just giving us a snapshot of that?

>> Uh-huh, it does, both for the site we're developing and for things that are nearby.

>> Alter: As I understand it, we are working on this. There are some technical issues for establishing floors.

[3:03:20 PM]

We need to also work with the applicant on that. I don't know that if we'll be ready in our motion tonight, but we are definitely working on it and we've heard your concerns so thank you for being here.

>> Mayor Adler: Thank you. Thank you. So what I'm looking at is the language that I used during the Austin energy -- I mean the Austin oaks. I said we're going to continue the first reading. I'm going to continue to ask people here to speak and give them a chance. They've been here for a long time. I'm going to give them a chance to speak without limiting people's ability to speak in the future on Austin oaks. On saltillo, I said it depends whether or not there's new items on the table. If there's something new on the table, we can probably open it back up for conversation. If there's nothing new, people surface new ideas or suggestions, I think we owe it to the public to give them a chance to talk again. Councilmember Renteria, I said that's technically leave it open and if you want to close it when we start the meeting, then you could do that and we could send out notice. That did not happen.

>> We have at least one more person here to speak on Austin oaks.

>> Mayor Adler: Is there another person here to speak on Austin oaks? Come on up. Give me your name too.

>> Thank you, mayor and council. My name is David witworth. Let me get this right. My name is David witworth and I'm a board member and I serve as zoning and transportation chair. I appreciate all that you do. It is amazing. I appreciate the push going on behind the scenes for additional housing here. I want to point out that this site has no multi-family today though and the Charette process included an entire four-story apartment complex.

[3:05:21 PM]

This housing is all gravy. We don't need to start redesigning this site. Let me show you some graphics. In the red is all the multi-family in the northwest hills boundary. Down at the bottom you can see the total break down, 41 single-family homes and 48 multi-family homes in the red. That speaks to how important density is. You can't really read this, but the price points of our multi-family near Austin oaks is \$1.31 a square foot -- actually \$1.34 a square foot just below the median rental price in Austin so that's very important, we're in good shape there. Here's another rental document that says we rank 54th in terms of housing density in the 967 Austin area. It's all office today and that yellow is the apartment complex next to the park. So we did include housing. And then here's a proclamation from

last year on the charettes and the benefits of the charettes. I wish we had known council would want more housing than one multi-family during the charettes. This area is not a multi-family desert. We have many apartments here for all renters and caritas. Our neighborhood as embraced all this and it is a wonderful thing. I want to speak about the value of the Sha relates. The plan represents a group consensus by the stakeholders. The process was moderated by a nationally recognized architect and each iteration of design was fleshed out. Every action has a reaction. Every change ripples throughout the rest of the project and I'm not sure we have time to understand the ramifications. Sometimes when you try to tighten that screw or wrench that nut one more time to get just that little bit more the whole thing can fall apart. Now let me point out what happens when we start tweaking the preferred plan to add housing by swapping a housing for more multi-family and losing a hotel to replace the office.

[3:07:31 PM]

Council meets their goal of more house, the developer rebalances their bottom line, but the neighborhood loses public and interactive space in the project. Grandma and grandpa can't stay nearby. We won't have an events room used for functions, no lounge lobby to meet with friends, visitors. To meet the traffic cap we will lose office medical because it has higher traffic count. This means no dentists, other relate-related points --

[buzzer sounding]

-- We will continue to have to go to outside our neighborhood. To wrap up, I really appreciate council's urge even Sitzman to housing. To that I say codenext, codenext, codenext. And I appreciate your time. Thank you very much.

>> Mayor Adler: Thank you.

>> Alter: Will you just make sure that your presentation is shared with my office or if you have a printout?

>> I will. Thank you very much.

>> Mayor Adler: Anyone else here to speak on Austin oaks? Is there anyone here that wants to speak on saltillo -- yes?

>> Tovo: Mayor, I just wanted to clarify that --

>> Alter: We have left open the Austin oaks public hearing to anyone who wants to speak.

>> Mayor Adler: As we will with saltillo. But you can't speak now and this evening. Does anyone --

[laughter] Does anyone else want to speak on Austin oaks now? Okay. Does anyone want to speak on saltillo now? Okay. Ms. Kitchen is back. So let's pull the expedited permitting item. This is item numbers 8 and 9.

>> Troxclair: Do you anticipate this will be -- we don't have speakers. This is just wrapping up council discussion from earlier?

>> Mayor Adler: Yes.

>> Troxclair: So we hope this will be a short discussion?

[3:09:33 PM]

>> Mayor Adler: I think so. I think there have been some amendments handed out to folks.

>> Troxclair: If at up to the kayaks but I know we have a -- kayaks but we have people -- dais.

>> Mayor Adler: That's a good point.

>> Casar: Mayor, I think the point is folks have spoken on this one and are waiting to wrap up all the speakers.

>> Mayor Adler: I think that's true. What I'm concerned about is keeping a big group of people here that might get caught and ending having to stay even after dinner since I have people waiting. I'm going to go

ahead and call that item. I'm calling item number 32. Which is after 8 and 9. We have 19 people here to speak on this item.

>> Tovo: Mayor, councilmember Casar, did you mean we have people here for 8 and 9 waiting --

>> Casar: All we need to do is take a motion and I think staff's amendment is friendly and incorporated.

>> Mayor Adler: Let's try that then if it's not going to involve a lot of conversation. Who wants to lay out the motion? Mr. Casar.

>> Casar: I made a motion, it was already seconded and I appreciate -- staff has brought forward an amendment that's been laid out and I'm incorporating that as friendly which just clarifies if a building permit is associated with the site plan, the total square footage of all the nonresidential structures is what's being considered.

>> Mayor Adler: So what's being handed out is what is on white paper.

[3:11:33 PM]

Is that right?

>> Casar: Yes, and staff is good with it and that preserves -- and it preserves the support of --

>> Mayor Adler: It's a white piece of paper, site plans, comma, or, and on the second page is section C. Is there any objection to these amendments being incorporated into the base motion? Hearing none, these amendments are incorporated in the base motion.

>> Mayor, I'm sorry, can I have a quick explanation of -- I see the changes, but I'm not sure what the practical effect of them are.

>> Mayor Adler: Councilmember Casar.

>> Casar: My understanding this enables what Mr. Lloyd suggested which is that if somebody is applying for more than 75,000 square feet and that's on their application and in their site plan, that that will be considered over 75,000 square feet. So essentially it clarifies what it is that was being discussed and my understanding is that this was city legal's understanding from the beginning but now makes it very clear.

>> Troxclair: Okay. Thanks. And the issue that councilmember Flannigan brought up with his amendment is a separate issue. Great. Thanks.

>> Mayor Adler: That amendment now is incorporated in. Mr. Flannigan.

>> Flannigan: So I have also handed out a separate amendment in that I understand is not a friendly amendment so I'm offering to it the dais to vote up and down. I'm not interested in derailing the entire operation here so if the spent is as I described before, we have run this through the legal department. The intent is codify the better builder into exhibit a. It's similar and more expansive than similar efforts that did with their contract with cap metro. So I figure it's not inconsistent with previous work they've done to codify these standards and it is my belief it actually -- it makes them more solid.

[3:13:38 PM]

And there was a conversation that was had during the contractors security conversation where they talked about an old standard for living wage. And my concern with the original language was that if we were codifying better also codifying the living wage as it was defined on February 2. So I wanted to ensure this was more expansive and as you can see in exhibit a it defines living wage as time of application. Again, I don't think it's necessary to do a long conversation. If the dais prefers to go the other way, I'm still supporting the main motion.

>> Mayor Adler: There's been a motion from Mr. Flannigan. Is there a second to this amendment to Mr. Flannigan? Seconded by Ms. Troxclair. Let's have discussion. Mr. Casar, do you want to speak to this?

>> Casar: There's just been two years of work and tinkering and trying to get folks on the same page and trying to calibrate the incentive and expedited permit against particular worker standards and this is just

where we've gotten to get a variety of stakeholders we need to work together to make this program work. We want to see the development community utilize these worker protections and so while this is something that I would be interested in continuing discussion on in the sort of future to come, just at this time I would -- I'm going to vote no on this and would hope that -- and I appreciate the spirit behind it, but I just don't -- I just think it's important to maintain the buy-in of all those groups and this changes sort of what -- as you heard pretty significantly, the trust that I think some of those folks would have in the process. I recognize where you are coming from, but with the sort of background of this having passed in prior years certain wage protections and some city folks citing off those things may not apply based on their discretion, as you've noted on other items enough history and I think particular language is what got everybody comfortable and I would rather pass it without the amendment.

[3:16:01 PM]

>> Flannigan: I appreciate your perspective. Like I said, I think it's better policy as a matter of course to codify requirements than assign them, but I understand your perspective that was a necessary part of the working with stakeholders. You-, I'm -- to the will of the dais, right, and we'll pass at the end either way.

>> Mayor Adler: It's been moved and seconded this amendment. Is there any discussion? Those in favor please raise your hand. Ms. Houston, Mr. Flannigan, Ms. Troxclair. Those opposed? Balance of the dais. We have the main motion. Further discussion? Those in favor please raise your hand. Ms. Alter.

>> Alter: At some point there was an addition of a 18-month period in which we were reviewing. I want to make sure that is still in what we were voting on.

>> Casar: That's part of the motion to give direction to staff to bring the report back and staff agreed to do that.

>> Alter: Okay. Thank you.

>> Mayor Adler: Those in favor? Those opposed? It's unanimous on the dais. Just as you said it would go. That gets us to the -- item 34, I guess, right? 32. And we have speakers here to speak to this. Beginning with miss cannon. Beau delf is on deck.

>> Mayor, council, city manager, I'm Tina cannon with the Austin chamber of commerce. Most remember me from my time as council staffer. Austin is growing and the city is considered the third fastest growing city in the nation attracting college graduates, immigrants and families with young children. By 2020 we are expected to hit a population of 2.3 million in the Austin msa. We have to provide pathways to housing and jobs to maintain our quality of life and the Austin we know and love.

[3:18:08 PM]

It is no surprise in a recent poll 82% of Austin voters agree we have an affordability problem and that is why the chamber supports the coalition's affordability agenda in this resolution. It will have an impact on the lives of citizens by addressing formate and approving the earnings of under skilled austinites. The coalition is made up a brought range of organizations including members such as one voice, the Austin branch of the naacp. U.S. Hispanic contractors, good will, Kirby land cafes, habitat and the list goes on. Councilmember alter made an excellent point at the work session Tuesday saying we should welcome the fact the Austin chamber and one voice and others are putting time and resources into an afordability plan and the fact they collaborated is good. Thank you for that. When I joined the chamber a few weeks ago I was thrilled to see the collaboration of these very different advocacy groups working together creating and compromise and putting their expertise and energy behind a plan to focus on affordability together. Affordability is not partisan, it is not big versus little, it is about austinites. This council comes together on many occasions to make very bold statements to our residents, and in fact

many times to the nation about a variety of topics that impact us locally and nationally. Surely we can make a bold statement to our residents today were willing to use every tool in the toolbox to impact affordability. Voting yes today doesn't mean you agree with every single part or agree to the final version city manager recommendations may have in a few short weeks. That is for later deliberation. Voting yes means you want to see what tools are available to either continue to support the programs we have in place and well underway as well as identifying what tools we may have available to us to impact affordability. I ask for your support on this resolution as a signal to the community you would like to make Austin affordable for everyone.

[3:20:12 PM]

Thank you.

>> Tovo: Thank you. Next up is beau Delp who has signed up for. We will pass him for the moment. Rebecca you are next, signed up in favor. Next after her Tracy Barry.

>> Thank you, city council. It's Rebecca with the Austin independent business alliance. We currently represent over 800 locally owned businesses and so I'm here to speak for the local business community. This is the very first time that local business has been part of the affordability conversation. As you all know I've been in this building parading the halls for probably ten years on behalf of local business and this is the first time we've gotten a nod to even be involved in the conversation, so I cannot be more pleased to see local business included in affordability conversations. The other thing about this one section on our small local businesses, we have come before you many, many times from a local businessman -- manifest toe coming up with ideas and plans and proposals and ways to make our city function better. Not one of those ideas has ever been addressed until now. This is the very first time we have seen them in seven verse. So I stand here today obviously in total support of this document. I'm so pleased to see at least a nod given to our local businesses. These are the people who drive the local economy, employ our citizens, they built this city, they are suffering just like residences are for the affordability issues that they have.

[3:22:18 PM]

They are being priced out of their buildings, they are being sent to the suburbs. They are having a really hard time with affordability. So I ask for your support today and your support for local business. And if this is something you can't support, then I guess we'll have another conversation later, but I certainly hope that you do vote and voice your support for local business. Thank you so much.

>> Tovo: Thank you. Tracy Barry. Ms. Barry. Thank you. Gerald Davis, you are next. Feel free if you are on deck to come up to the podium that's not being used. After Gerald Davis, Eva price. Welcome, Ms. Barry.

>> I'll just say Gerald Davis isn't here so I'll be speaking on his behalf. Present?

>> Mr. Davis is not here.

>> Tovo: You have three minutes and you will be followed by Eva price.

>> Thank you very much. Good afternoon, council. Tracy Barry with good will and on behalf of our 1600 employees and our tens of thousands of clients we serve and the 100,000 we are committed to serving in central Texas helping them empower their lives and transform them through work, I'm here to respectfully request that you vote for the affordability housing plan. Affordable house, middle school jobs, economic development and responsible property taxes are essential to improving our economy, improving the life for the people who need it the most and for creating an environment of social, economic and community development. We have the responsibility and the privilege to develop a community where everyone can thrive.

[3:24:18 PM]

The proposed action plans a smart step of responsibility. It's an umbrella we can all share holding ourselves accountable to being a city who undeniably says affordability matters. This action plan moves the conversation forward creating an opportunity to thoroughly research and develop proposals that are built and explored from a systems thinking perspective. All these proposals and recommendations will be brought back to the council for debate and adoption. It's not time to get caught up in the details, it's time for more ideas. We can be stronger and better together. I ask you today don't let good or perfect be the enemy of good as they say. People have said they don't want all these things thrown together, but it's an opportunity to move the conversation forward and have real debate and dialogue and come together in a way that as you heard from other speakers that maybe we've never come together quite so much before. As one of the largest employers and an organization committed over and over to pulling people and families out of poverty, I respectfully ask that you vote for this proposal. Thank you.

>> Tovo: Thank you very much. Ms. Price. And you will be followed by beau.

>> Councilmembers, thank you for allowing me to speak today. I come here on behalf of the U.S. Hispanic contractors association. I asked if I could be the person to come here today because this topic is so important to me. I am here not only as someone representing the U.S. Contractors association, but I'm also here as someone born and raised in this city. Specifically councilmember Casar I grew up in your district and my parents still live there. I'm connected to the city, mind, body and heart. I was born in Austin over three decades ago and I have lived my best and worst years here. This is a city where all of the goodness of my childhood and ridiculousness of my adolescence took place.

[3:26:20 PM]

Much took place in your district, councilmember pool. In fact that is where I had my first kiss and suffered my first heartbreak.

[Laughter] I have read some councilmembers have concerns that social programs could possibly be affected as a result of this resolution's request for a flat tax. We would never hope our lawmakers would enact something that would negatively impact those in need, however, we would also argue creating an environment which serves to broaden the support network of nearby loved ones would dramatically improve the lives of innumerable residents of the city. Affordability involves everyone. To be successful in this issue we need to invest in a workforce and funding for key social services. We need to continue working on retooling the building development permitting process and continue working to streamline our building and development codes. Time spent on these processes costs money and if we improve on these, it will help with the issues of affordability as pertains to building homes and other structures. We need to incentive I've developments and improve on our housing supply to better meet demand. We should ask our city manager to propose a budget at the effective tax rate which allows for greater transparency which allows city investments to succeed. What we need is a comprehensive approach and we believe this resolution with all of its ideas combined is that. Councilmember alter, I current live in your district. For me Austin is more than a trendy or cool city with a mild winter, renowned music festivals and booming tech industry. Austin is my home and I'm unwilling to break from it: But it is becoming exceedingly difficult to hold on. I took my first breath her, laid loved ones to rest here, I will be attached to the city for as long as I can manage. I'm only one in a sea of others. Vote in favor of item 32. I'm Eva price.

[3:28:20 PM]

Thank you.

[Applause]

>> Tovo: Thank you very much. The next several speakers will be David king, mason ire and jim-quinn.

>> Thank you all so much for letting me speak on agenda number 32 and thank you for your support on the expedited permitting process. I think it is a great first step. We at workers defense are against agenda item 32 as it is currently drafted. We believe that any conversation around affordability in this city has to include a conversation about workers. What I'd like to do is read you just two sentences from a letter that was sent to you this morning from Judy Cortez, the president of the afl-cio central labor council in Austin. She said that she's writing on behalf of the Austin central labor council representing 16,000 union members in the Austin area about agenda number 32. Austin is becoming increasingly uniform and recently named the most economically segregated in the country. When more working families belong to unions, income equality falls and affordability increases. This city council took an important step around better builder and we need to come up with more innovative policy solutions that allow workers to get into the middle class. It is not gone beyond us that the coalition representing the positive side saying you should support this includes some of the biggest business and industry interests in this city. We are asking you to seriously consider how we can incentive I've on things like expedited site plan review included in agenda 32, things like better builder. We are asking you to think about labor peace, prevailing wages and Davis bacon wages, the thing that really brings workers into the middle class. Because what we know is in Austin, if you are born into poverty, there is a disproportionate chance you are going to stay there. And if you are born into the middle class, there's a disproportionate nature class you are going to stay there.

[3:30:24 PM]

We have to lift how to lift people out and I know of no better way that increase people's wages and protections so when they get injured on the job they are not forced to declare bankruptcy or go to a county hospital. We owe it to the people who run our city, who are servers, construction workers, who make our theaters work to come up with additional ways to make sure that any discussion about affordability be centered first and foremost about the workers who make this city run, not the businesses that profit off of them. Thank you.

>> Tovo: Thank you. Mr. King.

>> Thank you, mayor pro tem, councilmembers. I signed up neutral on this because I support most of the items there very good and I really appreciate a comprehensive perspective on this. So I really appreciate many of these ideas that are contained in the plan about accountability and performance measures, like the focus too on the U.T. Study on the impact that students have on housing for nonstudents. I think that's important. Councilmember Houston has mentioned that before and it's good we're going to look at that. But I do have concerns about combining all these things into one plan that we proof up or down. I think you need the ability to pull a couple out that you can focus on separately. And I also think that we should have the office of equity look at these strategies from that perspective to see how they might unintentionally or coincidentally negatively impact equity issues that we're already experiencing in the city. I know that's not your intention, but sometimes things happen despite our best intentions. I also am concerned, I don't want anything to be done that would impair the council's ability to effectively address the needs of our low-income families or to facilitate or perpetuate the displacement of low-income families and families of color or that would utilize taxpayer mean to incentive -- that you are having to deal with.

[3:32:35 PM]

So I'm concerned about a council that is proactively promoting those policies and I know that's not your intention to have these consequence that we don't like, but I think that's important to consider. The supply sided approach to some of these strategies I don't think is going to help our low-income families or will -- in fact, I think it will facilitate the displacement in central and east Austin. Have a firm date of April 2018 for codenext. I think it's too early to lock that in. Based on the feedback I'm already hearing community input on the draft land development code it needs more work and we may need to change that date. When the maps come out, we may see more issues coming out. I hesitate take lock us into a date that a everybody is going to point to and say the council approved this, this is what we need to do. And then I have a concern about expedited site plan program. As I mentioned this morning I think these expedited programs should come with required community benefits. If we're going to have expedited programs for permitting or site plans we should make ate level playing field for everybody. But if we are going to have those programs if they come with required community benefits. So thank you very much for listening to me and for your service to our community.

>> Tovo: Thank you, Mr. King. Welcome, Mr. Quinn. You have three minutes. Gus peña, you are next.

>> I'd like to revise my position --

>> Troxclair: I think you might have skipped mason.

>> Tovo: I apologize. I sure did. Sorry about that. Mason --

>> Council, yes, ma'am. My name is mason eyer, CEO of dish I lane cafe. We actually have restaurants in a number of your districts. We employ about 700 people here in central Texas.

[3:34:40 PM]

Miss cannon and others have laid out the -- the broad objectives of the affordability action plan, but I want to speak specifically to the day in a life of a local business operator. Many of you this morning may have seen our general manager from our south Lamar location Daniel Wiseman teller. Danielle has been with us ten years. She formerly lived in councilmember troxclair's district. Unfortunately about two years ago she was along with her family forced to leave Austin and take a home in Buda, which she commutes to kerbey lane every day from there. She makes a very nice wage and her husband works as a e-commerce company and makes a nice wage as well. But affordability our workforce in an incredibly -- it's affects our workforce in a way that really makes it difficult to operate local business in the city. We see this not just at kerbey lane, we see this at multiple other local businesses. Many of whom I talk to on a regular basis. It's harder and harder to support a family living in Austin as we have these affordability issues that affect us across the board. I'm asking you today to consider voting for the affordability action plan. We need it as a community. Local business needs it. It's important to this broad based coalition that's come together to work on this plan and I thank you for considering it. I wish Ms. Pool we're still here. We're considering opening up a location in her district, but one of the things that is giving us pause about that is the idea it's going to be difficult to staff it. It's a lot easier to go and open up a location in cedar park or Georgetown because that's where our team members live. So with that, I will allow the next speaker to speak and I thank you for our time.

[3:36:46 PM]

>> Tovo: Thank you. Apologies I skipped you. I believe you have a question from councilmember Houston.

>> Houston: Yes, sir. If you can't get your business open, district 1 is always looking for a restaurant.

>> I appreciate that.

>> Tovo: Thank you. Mr. Oquinn. After him Gus peña.

>> Good afternoon. I would like to revise my position. I know it's neutral. I would like to know we can -- Austin interfaith cannot support this item as it stands now. Austin inner faith is interested in ways to solve the affordability crisis in Austin. I remember institutions, we go in every year and we have face to face conversations with individuals and families and we hear from them directly that affordability is -- extremely constricting upon them. It's driving them outside of the city. Our concern is this proposal was drafted without enough input from those impacted the most. And without that conversation, there may potentially -- there may be misunderstandings and potentially items will be implemented without sufficient input which -- okay. Without having the dialogue directly with the people face to face and having the conversation with them directly that this will not be a solution for the affordability crisis. That Austin inner faith has these conversations throughout the year all year long in our member institutions. We would like to help participate when that process -- in that process so we can directly communicate with those being pushed outside the city.

[3:38:48 PM]

There is probably not enough input from those people and this is a prescriptive solution that may have unintended consequences. And so we would ask that this item being postponed until those broader conversations can happen, and those who are directly affected by the affordability crisis being engaged directly. Thank you.

>> Tovo: Thank you. Mayor, I will turn the chair back to you. Mr. Peña is next. And Carroll Guthrie is on deck with time donated from Mr. Kirkman.

>> Mayor, councilmembers, Gus Peña. I was -- I'm divided on this issue. I'm with the gentleman who just spoke awhile ago. To be postponed to be vetted, more inclusion of the people with the people directly affects, the poor, the need I can't, the have nots, the hopeless and the homeless. I dare to see this and I can say it with clarity and honesty that none of you all, maybe I'm wrong, have not been homeless. It is a -- I was going to use a D word but I get angry. It is a disgrace for the Austin, Texas to bring in a lot of music venues. You have the race tracks, you have all these music festivals and we still can't take care of the homeless. We can't take care of the single women with children that are homeless. The single female veterans with children that are homeless. And the senior citizen veterans. Mayor, the hud voucher does not contain enough money to pay for the rent much less the deposit. Sometimes they want the first month's rent and the last month's rent and the deposit and background check. You know, it's not good.

[3:40:48 PM]

Affordable, affordable for whom? I used to make this statement back in the 1990s. Of course, mayor Todd was the mayor and I supported him, helped him get elected. But you all have a statutory, fiduciary obligation to everybody and it ain't happening. You're drawing people over here that are rich, drawing people that once their leases are through they negotiate at a higher rent and the people do not make enough money to substantiate the high rent. I cry, mayor, yeah, I'm a big tough Marine Corps veteran. I cry to see women with children who are homeless. On the streets. Veterans that don't have enough money to pay for the rent much less a processing fee. What price glory was stated back in 1929 in an old film. I'm not going to tell you which old -- I'm old. But what this doesn't tell you one darn thing about affordability for the poor, the have nots. You have more people that are low ses than rich people or middle class, middle income. Mayor and councilmembers, it is a shame for this city to say, oh, the music capital of the world, well heck, let them make it be the affordable city for the people that need help here in Austin, Texas. I'm angry. I've known homelessness and it hurts. It is not good. Yeah, Marine Corps veteran, Vietnam, no good.

[Buzzer sounding] We need a true comprehensive measure. Let me wrap up, mayor. Richard Halpin, he's a housing expert, get him to advise you all what to do. I'm angry. I've had enough of this. This shouldn't happen in Austin, Texas. America, America, not for everybody. Thank you very much. Improve the quality of life. A society's worth is measured by its treatment of the less fortunate.

[3:42:52 PM]

Yeah, I'm angry.

>> Mayor Adler: Donated time from Jarod Kirkman.

>> Hi, my name is Carol Guthrie, I am the business manager information afscme, the American federation of state, county and municipal boy ease. I originally had signed up for this item and I signed up against it. And then I saw some revisions and then I signed up for it. And then I saw some more revisions and now I am against it. Of course we are for affordability. There are many city employees who wish that they made enough money to afford to live in Austin, Texas. We know that some of these things in here that are being proposed will have a direct impact on the amount of revenue that you are able to collect. And that will have an impact on the workers. If you run out of money, guess what you need to cut? It's employees. And that is why we cannot support this. I'm not really excited about raising taxes, raising fees. I think you need to be very judicious when you do that, but I think to lock yourselves, handcuff yourselves so that you cannot produce a budget that has any new programs, if Austin is successful and you are able to build all these new houses, and I would be very excited about that, all of those things have to be permitted.

[3:44:58 PM]

It's people who provide those permits, they are taxed. I work with these people every day. I know that codenext isn't ready. I'm hoping it might get ready maybe not when you have it projected here, but I think we need to be a little bit more realistic. There are so many tasks in this one document, it will be impossible for city employees or whoever has to write all of these programs and produce these time lines back to you all. I think you should take a piece of it and work on it one piece at a time. I have seen so many changes to this document in just the last 30 minutes that it gives me great pause that I don't know if any of you know what you are voting for. And that worries me. I do know that if there are not enough funds in the city coffers [inaudible]. I do know that health insurance continues to rise for city employees. That cost is passed on to the city of Austin and to the employee. And if you have the same budget you had last year, I don't know where you would get the money. Oh, yes, cut workers. We can't support that. We cannot support this document. It needs to be tabled. There are many good ideas in this document that we would like to support, but we cannot do it at this time. So I hope that you will vote against this or table it would probably be better so that there can be more discussion, so labor can be at the table.

[3:47:10 PM]

I'm a small business. I have just as many problems as anybody else. I want to be at the table in that capacity as well. So I don't -- I want to thank whoever took the time to put this together and write it and get it to this point, but it's not there yet. So please, table this item. Let's have more discussion. Let's care about our city employees and the services that they provide. Thank you.

>> Ready?

>> Mayor Adler: Yes.

>> Troxclair: Can I ask a clarifying question of Ms. Guthrie? I just want to make sure that I'm understanding. I really appreciate your input and your feedback and I do think that it's important to be responsive. So your main concern is that language about the effective tax rate and you just want to make sure that any existing employees are -- well, that we don't have any personnel changes with our existing employees and that their ability to receive pay raises and health benefits and those are protected. Is that your main concern? Otherwise? Because it sounds like you were generally supportive and I just want to understand if there's discussion amongst council if there's a way to want to be able to do that.

>> That is a concern of ours, obviously the employees come first, but I also think that some of the other items that you have in here regarding codenext might need to be amended. I just think there's more work that needs to be done here. I don't think this needs to be thrown away.

[3:49:12 PM]

I just think there needs to be more input into this document. We -- I just got a copy of this like yesterday, and now I've read three other versions of it today. So that gives me pause that it's not ready, it's not ready. And so I think we need to take our time about doing this because sometimes we have great ideas and they create unintended consequences.

>> Troxclair: Okay.

>> And that's my concern, the unintended consequence.

>> Troxclair: Okay. Thank you.

>> Thank you.

>> Troxclair: And I guess just for clarification, I don't know what documents may be floating around, but I mean I posted a document to the council merge board last week and we posted an amendment yesterday that tried to incorporate some of the comments that I heard from councilmembers at work session on Tuesday, but other than that, that's the only -- at least any changes you've seen that have not been -- I just don't want there to be an impression there's all these versions floating around. The version I passed out this morning is the same one --

>> I two right here plus the one I got off the city council agenda thing, so that makes three. That's why I'm confused.

>> Troxclair: Okay. Thanks.

>> Mayor Adler: Ms. Delland and Darnell Franklin.

>> Thank you very much. I'm here, two hats on, chair elect for the real estate council of Austin, but I'm also a long-time member of district 8 and with that hat on I want to say thank you to my councilmember. We are drowning in this city on so many fronts from a affordability standpoint. Where we're in every paper these days for things that we don't want to be number one on those lists and I think we talk a lot and we stakeholder a lot and that's one of the things that makes us extremely valuable city, it makes us a great place to live, but we've got to start doing something.

[3:51:15 PM]

We have to start addressing this and not just talking about it. And what I appreciate about this plan is it's broad based, it's councilmembers that don't always necessarily agree has brought something forward that's bold, and yes it is a lot of things, a lot of things together, but we keep picking things apart and trying to do things individually, we're not making progress. And I just want to echo this is a plan. This is not as I understand it regulatory, this is not codified, if you will, talking about codenext. I get the - there will be a lot of opportunity I hope to -- in each of these scenarios and topics to drill down and to talk with the community and get it right. But if we don't start doing something, we are in a tough spot.

And so I just want to say you can't make a perfect plan, you can't code for everything. Let's start doing something. With that, we are supportive of this and we stand ready to help with implementation, education, whatever we can do. So thank you all for the time.

>> Mayor Adler: Thank you. After Mr. Frank Franklin, then Andre is on deck. Sir.

>> Good afternoon, mayor and city council. My name is Darnell Franklin and I'm a member of united here. I am here today to speak against the housing affordability bill. As a low wage food service worker, I know all well the difficulties of finding affordable houses in Austin. The best affordability program is a good job. I don't believe this bill accomplishes the intent and I want to thank you're thank "-thank you for your time.

>> Mayor Adler: Thank you. The next speaker is Adam Kahn.

>> Good afternoon, mayor and council.

[3:53:17 PM]

Just a couple slides too. Okay, my name is Andre Lubamudro, Austin board of realtors. We have over 12,000 members in the Austin area. We've a very diverse membership that's involved in all aspects of real estate, home sales, leasing, property management and property management of small scale properties. Our broad base of membership means that we have a strong stake in policies that protect and expand affordability both for homeowners and renters. Really, you know, how I see the action plan is I really think this is a vehicle for identifying some of the key opportunities that council has to make some real inroads on affordability. You've heard some speakers make good points about the need for action. I think everyone up here said that we need action on some level. So here's a set of some opportunities. The Austin board of realtors supports this plan. As a realtor association we are focused on housing affordability because our members rely on a healthy housing market and opportunities to connect austinites with homes that fit their needs. So I'm going to take a moment to talk about our affordability challenges. There's an ongoing perception in the community that is borne out by the data that affordability challenges have grown since the 10-1 council has took the dais in 2015. This slide I pulled up shows the challenges really that we face. This slide shows that the dream of homeownership is escaping the average household in Austin. That it's growing more and more of a -- less and less of a possibility for the average household. Between 2006 and 2016 the median cost to buy a home in Travis county, this is for Travis, increased by 64% while the median family income increased only by 12%.

[3:55:27 PM]

As you know, some areas far exceeded this in terms of the price increase. Our disappearing housing affordability has been and continues to be felt whether by working and creative class members trying to find housing close to work, growing families looking for more space, households on a fixed income that are being hit by rising property taxes. This is hitting far and wide and I know you all know that. So if you could queue the second slide. Just to reaffirm that a little, you recently saw the community survey. And if you look at housing was one of the biggest challenges that we faced. 61% being dissatisfied with the availability of housing. In the community.

[Buzzer sounding] Let me just wrap up by saying you really have an amazing opportunity to change the direction in which the city is headed. You have a lot of tools, many of these tools are identified in the strategic housing plan which is one of the parts of this resolution and so you have a vehicle for implementing those, many of those changes in codenext as well. I really urge you to look carefully at that and to pass this resolution.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Mr. Kahn and after Mr. Kahn Timothy Moore is on deck.

>> Thanks. I want to thank the council for taking time to discuss this issue. Councilmember kitchen, good to see you for the second time this afternoon. I am perhaps it is a cold day in hell today but I am actually here fully in support of an item on the city council's agenda. I think this is a fantastic idea. One of the things that I have as I have dug deeper into local issues over the past couple of years been very frustrated about is a lot of the time it feels that the people who are upset about housing costs and the people who are upset by property taxes seem to be talking past each other when there's no reason we can't address both issues.

[3:57:40 PM]

I think whatever the relatively personal -- yeah, whatever the relative amount of concerns that people have between those two issues, they are not in conflict with each other. Let's address both and this plan addresses both. So I want to thank the councilmembers who have supported this. Mayor, councilmember kitchen, Flannigan, troxclair, Houston, thank you very much. The rest of you I want to urge you to consider it and we've heard concerns from people on both sides of the issue as it relates to the restaurant industry. I work in the restaurant industry myself, not in management, in the kitchen, and I just -- I see nothing in this plan from my personal perspective and for my personal finances that is anything but positive. So I encourage the council to adopt this plan. I think it is a significant step in the right direction. With some of the varying degrees of unpleasantness we've seen the last couple of years, I think this would be a very significant job of alleviating a lot of it. I encourage you to adopt this plan and if anyone has any questions, I can answer them.

>> Mayor Adler: Thank you very much. Timothy Moore. Timothy Moore, Andrew Dobbs. After Mr. Dobbs is Eric Gough

>> I did see Timothy Moore in the audience. I think he stepped outside to talk to Mr. Pena.

>> Mayor Adler: If he comes back in we'll call him again.

>> Excuse me. Andrew Dobbs, Texas campaign for the environment. I was almost out the door, and then I got pulled in on this. I know. I should have just left, lesson learned. Our biggest concern here is on this utility rates and fees section. We have to raise our rates over the course of the next several years to implement our compost program, our curb-side composting.

[3:59:43 PM]

If we're gonna have weekly recycling at some point, we'll probably even need a fee increase, to do other zero waste programs we'll need those. What's great is we have a system for trash and recycling so that a lot of families when their fees go up can then actually drop their costs and offset that by getting a smaller cart and if we do some of the ideas of kind -- I've hinted at, we haven't really started to push hard yet there's other ways to help people drop their costs even lower. The about the is, though, that we are gonna have toffee increases and that as I understand it now, this is talking about creating just a illustration, is that the latest version, as I understand it? Sorry, I don't mean to --

>> Troxclair: Yeah. Well, and I just -- before I answer your question, I do want to make sure that you saw that, again, the amendment that was posted to the message board yesterday after our conversation at work session. We actually did take out the specific reference to fees because that was a concern that somebody --

>> The entire section?

>> Troxclair: Well, it just just present a budget illustration that has no increase on it -- [overlapping speakers] But it says rates, not -- and anything that has to do with fees was stricken so I helps that alleviate your fears.

>> I can get out the door here. What I will say, in general -- thank you. In general that even with these other rates and these sorts of things, you know, there are a lot of environmental services that we need in this city that cost money. And as we go through a future where communities outside of ours have not made the same kinds of commitments that we have and ecological catastrophes and disasters become more prevalent we're gonna probably have higher costs so we need to have the flexibility to do that. I understand that -- I've seen more information now that this is more about these illustrations. That doesn't seem like you need an ordinance because every -- you can just -- any member can ask for that during the budget process, and we get it pretty much every year anyways.

[4:01:47 PM]

You know, we saw what it would look like if we didn't raise the fees. We saw what it would look like if we didn't raise taxes, you know? That data is presented anyway. So this seems redundant and unnecessary but, you know, that's -- I just wanted to flag that because it was brought to my attention. I'm happy to answer any questions.

>> Mayor Adler: Anything else? Thank you, sir.

>> Thank you very much. Eric Gough?

>> Troxclair: Mayor, I see that --

>> Mayor Adler: Barbara Sala is on deck.

>> Mayor Adler: I see them my Moore is back in the room.

>> Mayor Adler: Okay. There Gough.

>> Good afternoon, council, my name is Eric Gough, I'm here today neutral on this item to focus on seven areas that we'd like to see improved related to housing and gentrification. And therefore ask that you delay this by a couple weeks to provide a few additional edits. I don't want to weigh in on anything, taxes or anything like that. I think this is overall a good document that I hope to improve. So I'm happy to provide red-line, but those changes would be to modify the capital metro reference to focus on frequency and not coverage to every geographic part of the city. That actually ends up costing capital metro more money and serving fewer people. To cite other reference that's council has already done, such as the fair housing ordinance and the homestead preservation districts as ongoing work doesn't appear to be duplicative and staff can refer back to it. On codenext, to remove the deadline that is April 2018, I want to agree with David king on that and note for the record I agreed with Mr. King about something on codenext. I want to reference the code diagnosis as well as imagine Austin. To more carefully word the language around students.

[4:03:48 PM]

Students under a charter protected class are implying that students are causing the affordability problems in our city I think is problematic. The language around the goals of the planning department, they have to have -- decrease the time for filling out permits I think in October under the language, but then report back to you on the progress in November. It seems you'd want them to report on the progress before they're obligated to meet that deadline. Then, finally, on the lease or lease to own incentives for businesses, I think that could be misread as a zoning requirement when perhaps that's a budget requirement so just like we require a certain percentage to be affordable, I think that could be misread as requiring a certain amount of lease space for local businesses in the development. I don't think that was the intent. So with those seven changes, I think this -- at least as relates to land use and transportation could be a much improved document, and I hope that y'all will take the time to do that. Thank you.

>> Mayor Adler: Thank you.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: Mr. Gough?

>> Yes.

>> Houston: I posted on the council message board the reason that that was added. Since 2009, the blackland neighborhood association, which is directly east of the university, has been talking about their lack of building any housing in the city since 2009. Because of those conversations, we are getting about 700 and some new units, but the conversation needs to go on because UT does have some skin in the game, has property, like the city is looking in and the school district is looking and Travis county is looking for ways to provide that kind of affordable housing. UT should be in that conversation as well. So it's not about the students. It's about the ongoing conversation with the university of Texas that started back in 2009. I just wanted you to know that.

[4:05:49 PM]

Thank you.

>> Thank you so much. I appreciate that. And I think that's a good thing for UT to be a partner in the housing question for students. Maybe it can explicitly state about them providing some housing with their land. But I appreciate that clarification so much. Thank you.

>> Mayor Adler: Okay. Thank you. Barbara sali and then Timothy Moore is on deck.

>> I'm Barbara sali from lost creek. Thank you all for your hard work on this pending issue, on this pressing issue. Mayor Adler, councilmember Houston, Flannigan, kitchen, and troxclair, I support resolution 32. How many more local businesses must go under [we act? We have all seen businesses we love go belly up. But individuals are affected too. Just this morning, I spoke to a long-time resident who received the unwelcome news that her escrow monthly payment was going up by \$300 a month. She can't afford this. And has concluded that Austin no longer welcomes her, that she is being priced out and asked to leave. She's elderly. The thought of leaving at this time, at the end of her life, when she should be relaxing, is very frightening to her. She's even gone back to work to try to stay here. But the combined effect of rising fees and taxes, punitive utility rates designed to create enormous transfers to the general revenue fund and the like, it's simply made her situation impossible. A note about fees, someone said, oh, we need higher fees because we need more composting, we need the recycling program.

[4:07:55 PM]

I think there's plenty of room in those huge general revenue transfers to find money for worthwhile programs such as composting and recycling. Let's not throw out this wonderful proposal because we like to compost. This resolution simply calls for a time line. A good start. There are no handcuffs here. We need to move this along. We've all groaned about affordability countless times but nothing ever happens. We need relief in Austin. Please. Please send a message to the people that are being driven out by the cost of living here that they are welcome to stay, that they are worthwhile, that they want to stay, please let them do so. So I say no more postponements. Schedule the discussions and move this along, please. We can't wait any longer. Thank you so much.

>> Mayor Adler: Thank you. 56 Mr. Moore will be Carmen
[indiscernible]. Sir.

>> Thank you. Thank you, mayor. My name is Tim Moore, I'm coming as a private citizen lived in Austin over 35 years, retired businessman, veteran, who has owned and managed several businesses in this city. Last Thursday I ran into a young man up at the time Warner office who is turning in all of his

equipment, he was leaving Austin. When he checked out the clerk on the other side of the desk asked him, why are you terminating your service with Time Warner? He said I'm leaving Austin. It's too expensive. It's too congested. It's too bureaucratic. And the city council is too polarized to accomplish anything meaningful.

[4:09:55 PM]

I'm giving up. And he left. He's moving to Georgetown. I followed him out to the city -- or out in the parking lot and I said -- I sit on one of the commissions, and I really want to know how you feel. Essentially he's lost confidence in our city and in our city government to be able to impact positively these huge issues that we're faced with. I have not lost confidence, and that's why I'm here. But I have talked with a number of other people. Some people -- one person in particular, I know he refers to Austin as from pain city, the proverbial frog sits in the pan where he turns up the heat and eventually the frog dies because he can't hop out? Cost of living keeps going up, taxes keep going up, congestion keeps getting worse, the bureaucracy keeps getting worse and we have to do something to turn it around. Item 32 is a prudent, well reasoned road map that gets out of this morass that we are in. It is not perfect. Everybody in the room knows it's not perfect. Everybody in the room can find something - can find something wrong with it that they don't like. But overall it's a good road map. It's a bold step. This item has gotten a lot of buzz. There are people talking about it. I believe more than I've seen anything else recently, your collective reputation as a council is on the line here. I think people are paying attention here, and I absolutely think they're gonna pay attention to how you vote. I strongly recommend you vote in favor of item 32. Thank you very much.

>> Mayor Adler: Carmen. Ms. [Indiscernible], you have three minutes.

>> Hello, mayor, council. I will agree with lots of the things that have been said but I disagree with the solution. I think it's problematic to put us on such a fast-tracked time line for several of these items, and there are a variety of areas that I think need further consideration before you put yourself on such a tight decline.

[4:12:00 PM]

We're in March and the weeks go by quickly. I'll start with the strategic housing plan. We already know that the strategic housing plan is missing several tiers in the lowest affordability levels if we expedite this without considering really the impact on so many renters and homeowners that have incomes lower than 30-50% of Amanda family income we are going to to accelerate displacement as opposed to mitigate it. We may mitigate displacement of some middle and higher income but I don't think it will serve our lowest tiers. Speaking of somebody who works with a tremendous amount of renters and homeowners in the southeast crescent we are talking about people not currently represented in that strategic plan. I'm also very concerned about the budget constraints, because it has the possibility to impact the funding that is currently supporting incredibly important food access initiatives, including those that many of you voted in support of in the last budget cycle. There isn't time to actually discuss it. I'm not saying that those things can't possibly change or be adjusted, but there needs to be an appropriate dialogue and we're here talking about things that will impact your ability to adjust the budget when we get to the summer months when really everyone starts paying attention to the process and getting educated about it. My third biggest area of concern on this is codenext and the expedition of codenext. We -- I already feel like November is a rush for codenext. We have yet to see a single handout from the city about codenext in Spanish. We have translated -- I work with go Austin [indiscernible] As many of you know we have translated many of our fliers to even tell people what codenext is. The ability of people to have access to healthy lifestyles, stay in their community and not get displaced and we

have translated six pages of priorities for that and yet I can't get a single handout about codenext in Spanish.

[4:14:04 PM]

That's just the spanish-speaking community because plenty of English speakers have no idea about what codenext is, plenty of people I talk to who are lawyers and very, very highly educated people are also confused by it, the cag is confused, some councilmembers are confused. This is the biggest thing to happen to Austin in 30 years. It's going to determine things for the next 50 years and this is language used by optics and used by those of you who have talked about codenext publicly. What is the rush? I know we need to address affordability but if our state can't support us in meaningful ways to ensure things like we know are illegal right now, inclusionary zoning and other methods.

[Buzzer sounding]

-- Then all we're gonna do by expediting upzone is expedite the displacement of people already getting displaced. This needs more discussion. Please take your time. Thank you.

>> Mayor Adler: Thank you. That puts us back up on the dais. Ms. Troxclair, do you want to make a motion?

>> Troxclair: Sure. Before I do, I just want to mention to the last speaker that there's nothing in this plan that would expedite the -- expedite any of the things that you're talking about. We're just trying to list them all in one place, and it just says adopt the city of Austin draft strategic housing plan, et cetera, et cetera, track progress of these housing goals as adopted by the full city council. So I'm not trying to -- I don't think any one of us is trying to rush anything -- rush anything or do anything that would preempt any future discussions that need to happen with regards to codenext, borders to the important discussions that are already underway with codenext and the strategic housing plan. So I hope that alleviates some of your fears. Thank you for the time that you each took to listen to that testimony just now. As I mentioned before, there is an amendment that I would like to offer that I handed out this morning that was my best attempt and cosponsors' best attempt to take some of the comments into account from the work session.

[4:16:14 PM]

I'll just quickly go over them, unless -- I can -- I'll make a motion and second and then go over it.

>> Mayor Adler: Ms. Troxclair moves resolution. Is there a second to that? Ms. Houston aesthetics seconds that. Now you can goad and --

>> Flannigan: Can I clarify something? Are we --

>> Mayor Adler: The main motion is her motion as changed.

>> Flannigan: As changed. Thank you.

>> Troxclair: And just to go over a few of the things that were included in that amendment, we -- in the resolution we wanted to make sure it was very clear that of course anything new -- that we're not codifying anything. This is a -- this is a resolution, and anything new will have to come back to council and will have to go through the regular public processes and have more discussion before it is ultimately adopted. We added direction for creating a website because that seemed to be something that the council all had in common, to have a public place that council could point to that incorporated all of the items that are already underway that are gonna address affordability, as well as -- like the homestead preservation districts, the senior homestead exemption, et cetera, as well as anything new that we adopt from here on out. I think it's important to provide the clarity and transparency to the public on those items. We added specific references to resolutions that had already been passed that we were including in here, such as the city-owned properties and telecommuting, et cetera, to make sure we're

more clear about the things that were already underway and adopted and made another -- made some additional references to make sure that the regional affordability committees work on their strategic plan were also included from the perspective of what we can be doing as not only just as a city, but as a region as a whole.

[4:18:30 PM]

There are -- oh, we also added a change in response to councilmember Casar's comment about the expedited site plan. While it said initiative initially, we struck that and put consider the developmental of an expedited site plan so, again, we want the staff to look into it about we want to make sure to make sure we're making the right decisions and the right policy adjustments when it comes to that. There's some updates to the economic policy -- the economic development section to ensure that incentives are only given to companies that pay at least the living wage. We made some ties to our strategic plan that's, again, not developed yet but that eventually the things that are passed will be ultimately tied to outcomes and metrics within our strategic goals and strategic plan. It also clarified that the city manager would only provide a budget illustration but would not require her to propose a budget at an effective tax rate because that of course is already prohibited by our city charter. She maintains the right as our city manager to present a budget that encompasses her best professional judgment and recommendation. It clarifies that transportation is one of the biggest household costs, not necessarily always the second biggest in response to mayor pro tem tovo's comment about that statistic, and we removed the bullets in the transportation section regarding free fares for seniors and mobility solutions because the last one was in reference, actually, to autonomous vehicles but I understood that it was being confused with ride sharing. I didn't want to bring that back up. And additionally pointed out the capital metro 2025 plan and the efforts that are already underway and supporting them and providing efficient and effective bus service.

[4:20:38 PM]

So I know that that might not address all of the issues for all of you, but -- and I know -- I will be the first one to admit that this is not a perfect plan. If I put together what was my perfect plan in my perfect world it would look very different than what councilmember Flannigan put together, what the mayor put together, and that is one of the benefits of having an omnibus resolution because although it might not be everything that I want it is a lot of really good things, and I -- as the community stakeholders have said, we shouldn't let perfect get in the way of good. It's just important that we get the ball rolling. It's important that we send this message to the community. We will have time to discuss any of these new - these new initiatives fully as a council, and I am just -- I'm so grateful for the support not only of my cosponsors but also the rest of the council, regardless of whether they ultimately vote on this or not because I know that we do all have the right motivations at heart, I know we do care deeply about affordability and we may differ in the way that we want to get, therefore, but I think this was a really good start and I'm just grateful for the opportunity to have this conversation.

>> Mayor Adler: Ms. Troxclair, I handed out something that is a single page, it has the item number 32 top left-hand corner, affordability action plan, it says, a, economic development policy. That should actually be -- I thought we had handed that out earlier. We'll hand it out again. This just conforms this language with what is the economic incentive deal in 34, specifically including the prechanges, the one that Ms. Houston wanted about positive health outcomes, the second one that I discussed with the mayor pro tem to make sure that the incentive with Ms. Garg, to make sure it wasn't messing with the other strong priorities we had set and the also one, Mr. Casar, making sure they're providing good employment opportunities.

[4:23:02 PM]

So -- and the last one was Ms. Kitchen's is this amendment okay to your thing, Ms. Troxclair?

>> Yes.

>> Mayor Adler: Is there any objection to this being added to the base motion? Without okay, it's then added. We're going to continue then in discussion. Ms. Garza.

>> Garza: I'd like to make a substitution motion to indefinitely postpone this and I'll speak to that if I get a second.

>> Mayor Adler: Okay. There's been a motion to postpone indefinitely, seconded by Mr. Casar.

>> Garza: And I'm gonna try to keep this as brief as possible but with a document this detailed and, in my opinion, prescriptive, it's gonna be hard to point to all the different reasons why. But I talked about effective, the effective tax rate policy and I believe it's still in the current iteration.

>> Flannigan: Councilmember Garza, I have my comment which removes that, changes that whole section.

>> Garza: And if it doesn't get postponed then you can make that, but the current document now has that and so we have so many cost drivers in the city. I wish I could promise my constituents that I will never have to raise your taxes, but the reality is we have so many needs. And so, for example, if we want to pass a budget at the effective tax rate, there are very big things that couldn't happen. We couldn't finish the new library. We possibly couldn't find some of the police officer positions that are in -- that are desperately needed. We couldn't open the new fire station in onion creek. We couldn't finish that fire station and open that much needed fire station at onion creek. The other issue is there are key stakeholders that are consistently advocating for our lower-income community and they weren't at the table for any of this discussion of this plan.

[4:25:05 PM]

Austin interfaith spoke today saying they weren't at the table for this plan. Several labor organizations spoke today that they were not at the table for this plan and these are organization that's represent our most vulnerable, our middle class families. And to have those families who feel the pinch the most not at the table for the action plan to address affordability, I just don't think it's ready. There was no environmental groups at the table, to my knowledge no neighborhood groups at the table. I've heard a couple of times please stop talking about this. That's not a true statement. We have done so much to address affordability. Just because we don't have an action plan right now doesn't mean we haven't done things. My office has put together a list of things that we have done to address affordability. And I'm not gonna go through that entire list because it's two pages and those are just things we can think of. There are other councilmembers that I'm sure could add to that list but to the parents who were able to depend on a parent support specialist now, to the mother who was able to use the changed care funding we were able to fund, I think they would say we address affordability. I think every vote that we have taken and pushed developers to add more affordable housing to developments and said, you know what, 5% is not enough, give us ten, I think all those future families who will benefit living in affordable housing that I we have done something for affordability. So I'm sorry that so many think that we have done nothing and that we've just used it as a talking point but that is in fact not true. We have worked really hard to address affordability. In fact it was the number 1 thing on everyone's campaign and the first thing I did was create the regional affordability committee that has been working and bringing together coalitions to try to solve this issue.

[4:27:05 PM]

It ignores the fact that half of our taxes that we pay are city of Austin. It's a problem that the legislature has not been able to fix by reforming our public education system. I know people are concerned that their tax bills are raising but we cannot blame it all on the city of Austin. There are other taxing agencies. We send \$400 million back to the state because of recapture because our legislature has not been able to removal our reform our public education so so much of our money goes back to the states. I think this should come back, this should go through our boards and commissions, it should be split up into the different sections, go back through our boards and commissions, bring it back that way, have these key stakeholders at the table, but I do not think it is ready as it is set forth today. And I have to say, you know, when I hear social service organizations who I have given so much support to and affordable housing organizations who I have given so much support say that they are so happy that they are finally at the table, they have always had a seat at my table. I have been one of the leading advocates for their causes, and so it's unfortunate to hear that they feel like they haven't had a seat at the table because I definitely have made it a priority of mine to make sure that they have, and I pushed for additional funding for their programs because I know how they affect my low-income district. So I hope that we can postpone this indefinitely and bring this back and have the appropriate stakeholders at the table.

>> Mayor Adler: Mr. Flannigan, would you explain what your amendment would have been?

>> Flannigan: Yes, thank you. I listened very closely on Tuesday, and I've spoken to --

>> Garza: There's a motion on the table, mayor, I'm sorry.

>> Mayor Adler: He's not introducing that. This is by way of debate.

[4:29:09 PM]

It's debatable motion. It also allows for debate on the merits of the motion itself. So recognized him to speak. He's not making that motion but certainly somebody might want to know what the amendment might be if the motion to postpone does not pass.

>> Garza: But I thought the motion before on the table was councilmember troxclair's. He hasn't made any motion. The leading motion right now is a motion to postpone.

>> Mayor Adler: That's correct.

>> Garza: He's gonna speak against the postponement, I understand that. But --

>> Mayor Adler: The debate on a motion to postpone indefinitely is not limited to the restrictions -- restricted to the pros and cons of postponing indefinitely. We can go to the merits of the main motion.

>> Flannigan: Mr. Mayor, I'm happy to phrase my comments as a comment on the postponement.

>> Mayor Adler: And that's because you can't make an amendment to this. This is a non-amendable motion.

>> Flannigan: My comment I don't support postponement of the base motion because I feel that the amendment that I've worked on is a critical change and a lot of the conversation that we had on Tuesday I think was very important and I've worked with some stakeholders and folks in the community to better understand their concerns about some of that original language, and so this amendment, this amendment that at some point may be an actual amendment, parliamentary, it's on the message board. I handed it out at 10:00 this morning. It removes the effective tax rate language. It replaces it with something that's much more specific about protecting our existing employees and protecting previously approved programs. It's about broadening the conversation around the budget and ensuring that as we make decisions to add programs and add capital expansions that we are considering them as additions to what we've done in the past and not considering them as removing from a base budget that's proposed. And so it's not -- it has no other intent but to say as we go through a budget cycle, that we see a budget illustration, to use the word that's in this language, that allows us to say of the things we've spoken about in the last year we are affirmatively adding a few more.

[4:31:29 PM]

These are the ones we're gonna add instead of what I've seen as a member of the community, which is the manager comes back with a budget that says here are all the things you want and a tax rate that upsets the community, now you guys have to decide what to cut. So that's the incident of what I have laid out -- intent of what I have laid out early this morning, and as far as the postponement is concerned, I'm happy to allow the postponement to be voted on, but my hope is that the postponement would be including my friendly amendment to the original motion that councilmember troxclair had. I'm just not sure at this point what the proper order is. To make that happen.

>> Mayor Adler: There has to be a vote first -- the next vote we're going to take is the vote on the motion to postpone.

>> Flannigan: Okay.

>> Mayor Adler: Mr. Casar.

>> Casar: So while I do appreciate some of the things that were laid out in councilmember Flannigan's message board post, there are still just many things missing here that aren't wants but sort of musts on anything that would be called an action plan on affordability. And instead of going through and trying to put all those amendments and trying to work through so much of this document, I think the -- it's just appropriate to postpone indefinitely. As somebody who has advocated and worked hard on trying to add housing supply in lots of places in this city, I would be the first person to tell you that we aren't going to get a safe and long-term and adequate housing for low-income and very low-income people without significant housing subsidy. There is not mention here of housing bonds that we need to get done, of the affordability housing linkage fees, whose study we have funded, of driving of diversity of housing types of at subsidized subsidized and income-restricted rates. There's not mention of -- some speakers spoke to of protections that unions provide our workers and different wage protections that our workers need in order to not be exploited on the job and there is not that level of acknowledgment that this plan is -- you know, we've heard some speakers saying that we need this plan in order to take action on some key issues, but the fact of the matter is the strategic housing plan is already in the works, it's already been taken to several public meetings.

[4:34:00 PM]

It's moving forward. We don't need to pass this plan that says that we are interested in passing a strategic housing plan to do exactly what week working on doing through public meetings, committee meetings for a long time, but having a strategic plan, workforce development plan, of rewriting the land development code. The fact of the matter is we are doing many, many things on affordability. We've done many things on affordability, but there are just some very -- if we're going to be kicking off new initiatives, there are key parts that are missing here and I think the important work -- the -- my preference is to support this motion to postpone indefinitely and then -- and to recognize actually through the auditor's own report and accounting of affordability issues, recognize the work that has been done and then bring resolutions forward to kick off new work separately so we can best analyze those. But this package is missing key components that serve many of our lowest-income families and moderate-income families who are struggling the most with the affordability crisis.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I am troubled by a motion to postpone indefinitely. I certainly respect all my colleagues' concerns, and I would agree that there's lots of improvements that could be made to this. The reason I signed on in the first place is because I think it is important to come forward with a plan that puts into place several -- a range of items. I also think it's important to make that really clear to the public. You

know, for whatever it's worth, there's still a lot of concern and we're hearing from a the love groups, we heard from a lot of groups today that are concerned about this. So we do continue to make it better. I appreciate councilmember Flannigan's amendment, and if we get to that point, I will support it. So the thing -- what this boils down to to me is that, if we want to make improvements on it, then we should.

[4:36:05 PM]

I don't see an indefinite postponement as doing that. I would see a postponement to a certain time certain with a commitment to working on improving this during that time frame being something that would be productive, but I don't see an indefinite postponement as actually producing a result. And I do think a result is important. From my perspective, I do think it is important to have a plan to address affordability, and we have done a lot of really, really good things, many of which are pointed out in here, but there's more to be done. I also think that one of the things that I consider most important about what we -- or could be saying in a document such as this is our commitment to tie our metrics around affordability to budgeting. And, yes, we could do that in another document. We could do any of these things in another document. But I don't see the harm in doing it in one document. The kinds of things that are in here that I've supported before, there's a regional workforce planning strategic housing plan, a small business support, performance metrics, prioritizing health and human services, transparency and budgeting, there's a lot of good things in here. And with the amendment that councilmember Flannigan was -- you know, could potentially bring forward, we could avoid the concerns around an effective tax rate. And I would not be a person -- and I never have -- voted for items that hurt our workers or that hurt our low-income folks in the community. I think I've demonstrated that in what I've done so far on the council. And I will continue to be a champion for those in our community that need our assistance. So I would like to see -- I can't support an indefinite postponement.

[4:38:07 PM]

>> Mayor Adler: I'd concur with the comments just made by councilmember kitchen and certainly the will of the council will be done on this. And if it's the will of the council that these things be handled in pieces or parts, so be it. But as I look through this, a lot of this is recognizing the good work that we're all doing on the dais and putting it in a place where people in the community can all find it in one place. When you go through that -- the part one, which is the substance of this, it says we should adopt an Austin strategic housing plan, and we are. It's posted right now, been to a committee and it's coming to us. To codenext, we're all involved, invested in, and we've spent meetings on that, and that's clearly happening. We're all intimately involved, in the permitting process, which is the third thing. The fourth is the regional workforce plan which was presented to the commissioners court yesterday and is now on our board. The economic development policy incentives we've discussed. That's item 34. If this doesn't happen, if we're doing it in pieces. But supporting small locally owned businesses I think we're all in favor of. The biannual budget report, review program expenditures we're doing. Strategic plan we're doing. Collaborating we're doing. Defective rate issue I think is an important one but there would be an amendment on that. Prioritizing health and human services we've done that and we're doing that. The utility rates, we've already done them with Austin energy. We've committed to do that with Austin water. The transportation department goals here are the ones that -- we've given to the mobility chi.

[4:40:08 PM]

D mobility committee. I would allow this to go forward as well because when you go through each of the elements in here I think that they're laudable and reflect in most case what's we're already doing and I

certainly wouldn't stop anybody from adding more things to it or continuing to come up with new ideas every week because I think that's what the community wants us to do. But the council sending a message to the community that they are in fact engaged and trying to do everything that we can do on affordability I think is an important message to send and it's also true. Ms. Pool.

>> Pool: Thanks, mayor. And thanks for that list that, recitation. It adds to the points that councilmember Gallo raised, some of what councilmember kitchen noted, what councilmember Casar has mentioned, what we talked about in work session, which I detailed, all of the things that this council in just a little over two years has done, building on efforts from previous councils but working from an economic scenario that didn't exist prior to this council taking office. We have been confronting affordability issues in all its various meanings and permutations for more than two years, and I think the thing that was most unfortunate about the resolution as it was rolled out was how it was championed by -- in the press as if this council had yet to do anything on affordability. That was the -- that was what struck me most strongly, and I think probably most of us on this dais because we've spent the last five or six days saying, you know what?

[4:42:19 PM]

We've done this and we've done this and we've done this. But when I go back and I read the press releases and I look at the TV appearances and the press conferences and the way this is this was rolled out it acted like, it sounded like we hadn't done anything. It ignores the fact that much of this work has been done already, much of it is underway. And some of it is that is proposed shouldn't happen. I agree with my colleague councilmember Garza who mentioned that on Tuesday. A lot of this is already underway. A lot of it has been done. Some of it shouldn't be done. So it troubles troubles any way our community doesn't know that. I think that we probably need to put out some comprehensive press releases that talk about all of the things that we have done. Councilmember Casar suggested that we have a website with all of these items listed on it and, yeah we sure should, and that's one of those forest for the trees things. We're so deeply immersed in this work. It's 24/7 for the members of this dais and for much of our workforce and some of the people in the community are paying attention 24/7 to this work. We are so immersed in it that we don't recognize that some of the simplest things that we could have done to amplify the fact that we are accomplishing things, we set out tasks for ourselves and we check the boxes and we didn't even think to do that. So I -- I hope we get a website that enumerates everything and cross-tabulates them and shows the growth in the number of rental units that are being put on the ground. We don't have a way to measure housing that we approve through our votes here and through our city processes by the time they get built. We don't have a way to measure that. And to keep track of it. So it's really hard to say we've built X number of units of housing, which is why I was concerned that the original form of this resolution actually tied it to a distinct number of units to be built every year which would set us up for failure.

[4:44:34 PM]

Because we can't count it and you can't prove that you've accomplished it. But if you can count it inaccurately, you don't even really know for sure. So, unfortunately, the perception in our community is that we haven't been doing things, and I think that that is what troubles me the very most about this whole process, and I really wish -- I really wish that this hadn't come to us in this form. The postponement indefinitely to address what councilmember kitchen and the mayor are talking about, that is, as you know, simply an -- a device for us to be able to talk about it later and bring it back. We all know postponement indefinitely simply means that it can be brought back when we are ready to bring it back. It doesn't mean that it never comes back. We postpone things indefinitely regularly. So I know that

there's a lot of work underway on a number of these initiatives that are enumerated in here, although you wouldn't know from reading it. So that is the fun -- the foundational concern that I've had since I saw this Friday afternoon, and it's -- attached to that is the fact that a lot of the social services and housing groups that are named in here I'm not really sure they knew all of the entirety of this resolution. From what I hear they didn't necessarily know everything that was being called for in here, which leads me to be concerned that there was a lack of complete information given. But the fact is, I didn't have any cause or any visits from any of the people affected. As I said at our work session, aside from an early January meeting with a delegation from the chamber. And if this was in fact that much of a collaboration with that many community groups, I would have had a line out my door, people saying we want to talk to you about this, we want to advocate for this. And that just didn't happen.

[4:46:36 PM]

And then knowing that significant groups were in fact excluded is a real red flag for me. That's not how we operate in this city, and I cannot support that kind of an effort

[indiscernible]

>> Mayor Adler: Mayor pro tem.

>> Tovo: Thank you. I just want to say a couple words. One is, first of all, to those sponsors, I appreciate you going back and taking the suggestions that were made on Tuesday to heart and making the changes. Again, as I said on Tuesday, I appreciate all of the effort in the community that went into coming to agreement on these points. I think this is an extremely useful document for our community stakeholders to have that shared understanding. It does not work for me as a policy document from the city council, both for the reasons I mentioned on Tuesday and a couple others that I'm gonna mention here today. I do support the indefinite postponement. We have initiated a variety of things that I think are relevant to this topic. One is that we included -- we have asked our city auditor to conduct an inventory, extensive inventory of all the efforts that the city is making currently that affect household affordability. And that is in progress. But that's been in progress for many months now. And so I do think it's very valuable for, as I said on Tuesday, I think it's -- the suggestion to pull together the efforts that we're making as a city with regard to affordability is extremely useful. I think electing the highlights of that in one place on a web page would be great. I would suggest we not move forward with that until the city auditor has completed her work because that's in essence what we tasked her with doing. And so while I think that's a good idea I don't even think we're ready to move forward on that piece because I want to leverage our public dollars and not have different city departments repeating each other's work with regard to collecting that information.

[4:48:41 PM]

I do think it's very clear, as my colleagues have said, that the public is not -- needs to hear more about what we're doing with regard to affordability, and I think once we have that inventory done and if this information is collected in one piece, we'll be well-positioned to look at what else we can do. By no means am I suggesting that we're not doing everything we can with regard to affordability. This is definitely a critical issue for all of us. This was an issue -- actually one of the main three things I talked about when I ran in 2011. It has been one of my key areas of focus ever since. When I ran for council, it was in large part because I wanted to see -- I wanted to see the city council better address the needs of our most vulnerable residents and focus more directly on affordable housing and I'm really pleased to be working with all of you in doing just that. We do need to make some very specific investments and some very specific commitments, and I am very interested in moving that work forward and have been doing that, I believe, in collaboration with many of you. If we were -- so I would say generally I think we

could postpone this to a time certain and all of us come back with amendments. I will say that would not be my ideal. I think we should -- we are in the process of doing a strategic plan, which in many ways will be an affordability action plan. It will point to further actions we need to take to address affordability because that is the main challenge that we talked about at our retreat and that extends through all those key areas we identified. Our budget is an affordability action plan. I mean, I just think the work we do on a weekly basis directly impacts affordability. Were I to -- so I would say in summary, I mean, there are elements in here I can't support.

[4:50:42 PM]

There are elements in here that are described in language that I would need to significantly amend. For example, an action plan should talk about exactly what we're gonna do. I appreciate the references to, for example, building on public tracts. If I were going to vote for an action plan, you know, the language I would suggest would say the city should identify funding to move forward with those projects that we've already had some work done on. So, you know, I just think that -- I think we could spend a significant amount of time talking through an action plan. I would also suggest some other elements, increasing our investments in high quality early childhood programs, especially for low-income residents, working to -- on some previous resolution -- on a previous resolution to bring our banking locally so that as a city we're doing our banking with a local or a regional bank. To me that's an issue of affordability. Working to look at the jobs as we discussed this morning with the security guard contract, that is an issue that affects affordability. I mean, there are some other elements here I would suggest if we were gonna move forward. Anyway, let me leave my comments there and just say I appreciate the work from my colleagues and the community. It has been an interesting discussion. This is clearly an issue we all talk about and care deeply about, though we sometimes have different ideas about how to get there, but I do support the indefinite postponement.

>> Mayor Adler: Any further discussion? Ms. Troxclair.

>> Troxclair: I'll let councilmember alter speak.

>> Mayor Adler: Somebody has to go first.

[Laughter]

[4:52:42 PM]

>> Renteria: Yeah I'm not gonna be able to support this either. You know, we have worked -- since I -- since day one since I got elected, my whole goal has been on affordable housing and I worked so hard, we passed the homestead preservation act, we do have -- we also passed -- we have worked on a lot of issues on housing and we supported a lot of tax credits that have come in. In fact I was just amazed that just here recently at one of the meetings I had with our own developers that Terry Mitchell was complaining that lenders are being concerned that they're having to give up two or three months' rent on their apartments because, you know, they have built so many of them and we're still building. So my goal has always been to reduce the cost of living here in Austin, you know, I thought very hard for some of these rate increases, against some of these rate increases in our utility, you know, even though I sometimes didn't get my way. Most of the time I guess. But, you know, it's -- we are working very hard. All my colleagues here support affordable housing, lower rates on the utilities, especially on the tier 1s that we reduce the rates. It's been a constant for the last two years of what we've been working on, but we're also a growing city and we have a lot of needs. I mean, I'm getting -- just basically I've been getting complaints that we're not spending enough money on our parks, on the maintenance part of it.

[4:54:44 PM]

Everybody is complaining about a lack of funding for maintenance. So I can't commit myself to -- you know, especially when we're getting beat up on tax increases and we're turning around and the state is taking that kind of money they're taking from the school district, have taken and will take, and every year that we grow they're gonna take more until they do some reforms here at the state level. And if we don't get the -- that's where the affordability problem is at. We're given -- we're having to pay back so much money to the state and we're here, you know, complaining about just increases of \$5, \$10 a month, which I -- let me tell you, I know about the costs. You know, when I retired from IBM and the income I was getting, you know, I could make it. I went out there. I was -- I'm not proud, I cut grass, I painted houses, I clean up yards, you know, just to survive here and it is tough. You know? And I was fortunate enough to plan the growth that was coming. You know, I had the privilege of serving on the development commission for almost 15 years, and I seen the cut that the federal government has done to us. They cut -- when George Bush got elected, every year he cut 20% of all our social service funds, you know, including funding for aides, for housing, for clinics. And the city had to step up and take and fill that gap that -- as best as they could even though we were struggling, you know. It was very difficult to be on that commission knowing that you were gonna have to cut people's programs. And we did.

[4:56:45 PM]

It was very difficult. It was hard times. People got laid off. You know, and that's why I'm here. I -- you know, when we got here, you know, we gave a little wages to our employees. We saw that the ems people, there was some suicides in that department, and we decided that 48 hours a week was too much for them to work. And we committed ourself to lowering their weekly hours of working to 42 hours. And last year we faced reality that there was no way we could do that so we extended the hiring for two years. You know? Is that what you want to do to save \$5 or ten bucks on your taxes, on your property taxes? I mean, we're gonna lay off police officers, we're gonna lay off ems? I mean, there's a lot of good services that we're doing here, and like I said, you know, housing is -- and affordability has been my -- and we're working right now. We worked hard. You know, it was a lot of resistance. We faced a lot of resistance when we started putting affordable housing on the west side of Austin, the north side of Austin. Because for some reason, you know, poor people were never allowed over there on that side, growing up here in Austin, and I'm a native austinite. You know? We're trying to correct all of that. But it's difficult, and it's hard, and it takes a lot of subsidies and tax credits and even though we get criticized we still says that taxpayers' money. It's still -- it's something that we're doing to correct, you know, the injustice that has happened here in Austin.

[4:58:46 PM]

And we're working very hard on this, and when I saw this resolution here, I was very alarmed it's exactly what we're doing. And for people that don't realize how the city of Austin works, when you pass a resolution and by the time you get it through all the committees and it becomes an ordinance and then you fund it, it is literally two years. It takes about two years to get things done here. So what you're looking at is just barely -- we're just barely have started on our affordability goals here in the second year. We're finally have reached that. We're gonna have to take a step back a little and see where we're at but, you know, that's what we've been doing we've been working on this since day one that we got here. And I just want to say that I just can't afford this. I can't -- I can't support this.

>> Mayor Adler: Ms. Alter?

>> Alter: No pressure on me right now, huh? First of all, I want to thank the sponsors, all five of my colleagues who worked on this so far. I think that you are responding to a very important cry from our

community for tangible action. At the same time, I appreciate the other five of my colleagues who have rightly feel that they've been working really hard on these issues for the last couple years. As I said on Tuesday, I think it's a really positive thing that we have community organizations across the spectrum that care enough about our city to come together and say we have some problems, we have some challenges, and we want to be part of the solution.

[5:00:48 PM]

And I think as a council and as a city, we should applaud those efforts. We should try to move the ball forward and understand that that's one of Austin's greatest strengths, is our social capital and all these people that want to come together. I agree that we need to move forward and have momentum. I think we need to move from planning to action. I'm not exactly sure that this resolution, as it stands, gets us to action. I'm a little concerned that it's just more planning. I like the fact that the way this is approached is combining opportunities across a lot of different areas because affordable care act is a multidimensional problem, and if we are going to make a dent in it, we are going to have to use every tool in our toolbox, and that means people are going to have to be working on multiple fronts, which I think is what council has been trying to do and what staff has been trying to do. Even if I agreed with all of the parts of the resolution, which I don't, and even if I fully understood all of the moving parts, which given the amount of time that we've had for those of us who are not part of the five group, and I guess I'm the only one who wasn't part of the five and hasn't been on council for two years, if I printed out every stack of every one of the plans that was in there, it would probably be at least this high. And, you know, while this was posted on Thursday, as you'll see later, we've been really active in my office, working on Austin oaks, trying to actually solve the affordability problem with the concrete action. So I haven't had that opportunity. But even beyond that, it's our responsibility as the council to direct the staff. And I do not understand beyond the website what this, and the pieces of the budget, which I haven't been able to fully absorb from the amendment, I don't understand what we're directing staff to do.

[5:03:03 PM]

And if we give staff directives that are unclear, a couple things happen. Either nothing productive happens and no action happens and we waste resources, or staff goes off and does things in other directions which are not what we would have wanted if we had given them clearer direction. Given the size and the scope of all of these things, I don't see where we're telling staff to go. And if the city manager would like to speak and say she will assure me that looking at this resolution, they have perfectly clear direction and staff knows exactly what to do, and that moving forward at this time will not take resources from the plans that are actually in place and trying to move to the stage of action, then I might rethink where I'm at right now, which is to postpone it, but not, you know, forever. I do agree, we have to come to a point where we can bring these things together. We have a clear need in our community, and it goes beyond just communicating. But where I sit, having been here only two months, not having been part of the conversation, I do not feel that with the ten minutes I got to talk on Tuesday and maybe the ten minutes that I get to talk today, that I've had an opportunity to shape this agenda. I represent 80,000 people whose voices are then, thus, not heard in the process, and, you know, this is nobody's fault; it's a function of the rules that we have that don't allow us to have more than five of us talk out in the public. So I'm not blaming anyone for not being included in that, but I -- I can't at this point vote for it. I don't want to vote against it, either, and I don't mean that to be kind of wishy-washy or undecided, it's just not -- it's not there yet. I also worry about if we move forward with this as a council, in such a divided state over the thing that is most important to the future of our city, we will fail

at every point -- every next point to accomplish what we're really trying to do, which is take actions to make this city more affordable.

[5:05:16 PM]

So I would favor a postponement, and to the point in time when we have something concrete to come back with, I'm willing to roll up my sleeves and work with people in whatever format we can to kind of make that happen. I sort of see this as part and parcel of the strategic planning process which we have to do anyway. I don't really want to add more meetings to my schedule, but I think, you know, this is important. And our community has told us this is important. They've told us we're not communicating well. From everything I've seen, we're doing a lot of things on a lot of different fronts, but that doesn't mean there's not more to be done. And it doesn't mean that there's not more that we could do with more help from our stakeholders on actually moving the ball forward. Thank you.

>> Mayor Adler: If you are debate on the motion to postpone indefinitely?

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. Everybody has said a lot of wonderful things. I'm not going to be supportive of a motion to postpone indefinitely. I do get a lot of calls, not only from the elderly people -- they call me at home because they don't know how to get me here, so they call me at my house, and about their property taxes, and that they're being priced out. I get calls from my small businesses on 12th street, who said they're having a difficult time staying in their locations, where they've been for 38 years, because of the increase in property taxes. And so they're people who pay attention to this and go-to go to websites and now we're doing a good job and know we've been paying attention to whatever affordability means to all eleven of us, because affordability means a different thing to each one of us, but they all know that's a word, they all know that we care about it, they all know that we're trying to do what we can to make sure that people are not priced out of this city that we all love.

[5:07:17 PM]

But the fact is that people are being priced out. And this, to me, is a way to gather up all the good things that we've talked about, all the things that have been ongoing and put them in one document so that people know they can pick it up and say, this is where we're going; this is where we're heading; without having to go and look for something on one web page and look for something else on another web page. This is a document that we can do it. And so there may be some other people -- some of the people that call me are not going to be a part -- they're not going to be a part of those organized special interest groups, but their voices are just as valid as those, the special interest groups that say they've not been participated -- or not been included in the process. So if we need to work on it a little while longer, that's fine, but I will not be voting to postpone indefinitely.

>> Mayor Adler: Further discussion?

>> Casar: Mayor, very briefly.

>> Mayor Adler: Mr. Casar.

>> Casar: It seems like there's a majority to postpone indefinitely, and I just want to lay out to all the folks that have worked so hard on this, who clearly care about this, that when the strategic housing plan comes forward, we need your help to work oh that, we need to get that done. When the work action plan comes forward, to work on that piece. If you care about all the things on affordability, we're doing on affordability to come in one place, come when the auditor brings that report back and help us publicize where all the efforts in affordability are on one place. And if you care about a new initiative, be it one that I agree with or disagree with, work with us to put a resolution together to push that new

initiative. But I really think that that's what I think many of us are speaking to, is that there are great ways for us to put these things into, a and a lot of that is ongoing, and if you want to do something new, there's ways to go ahead and do that.

[5:09:22 PM]

>> Alter: May I just clarify? As I understood postponing indefinitely, and maybe I need this clarification here, that doesn't mean that we are postponing it forever. There is still the opportunity if anyone on this dais reintroduced it, that it could come back?

>> Casar: That's right.

>> Mayor Adler: It could be re- -- it would be reintroduced as anything can be introduced.

>> Alter: Okay. Because I do think we need to take action. So, you know --

>> Mayor, I think she's asking for clarification for postponement to a certain date versus postponement indefinitely. From my recollection, we have never indefinitely postponed an item from council because, normally, an indefinite postponement means it's not coming back, you have to bring it forward -- get co-sponsors -- you're starting all over again, just as if you're starting -- bringing forward any other new resolution. So at me typically when we want to make sure something comes back to council, we don't postpone it indefinitely, we postpone it to a certain date. So I would encourage you, if the intention is that the council continues to talk about this, and has it on the agenda, on a certain day, that we vote against the motion to postpone indefinitely, then somebody can make another motion to postpone to a certain day.

>> Mayor Adler: Is there any further debate or discussion? Is anybody confused about what a motion postponed indefinitely is? Okay. Further debate or discussion? Ms. Garza?

>> Garza: I just wanted to add we have postponed things indefinitely, and they come back to us. Sometimes they've been staff items, sometimes they've been -- it might not have been this council that postponed it indefinitely, but other councils have postponed things indefinitely, and they've come back. This is not -- this is not saying it's not going to come back. It can come back. It obviously had enough sponsors the first time around, and hopefully it'll have even more sponsors and more consensus when it comes back.

[5:11:28 PM]

But it can come back.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Just a procedural clarification, though, so if it's postponed indefinitely, if it were to be brought back -- it's not -- how would you do that? In other words, do you --

>> Mayor Adler: You'd bring it back as if it were a new item.

>> Kitchen: Okay. So you have to start it all over again.

>> Mayor Adler: That's correct.

>> Kitchen: So it's not bringing this item back, it's starting it all over again.

>> I don't really see the distinction.

>> Mayor Adler: The sponsor could bring back this motion and bring the same sponsors, co-sponsors, but it is starting -- it's starting over again.

>> Since it's in ifc, it doesn't have to go through any committees or whatnot. Starting over just means you have to have four sponsors.

>> Mayor Adler: That's correct.

>> Alter: So it's not a --

>> Mayor Adler: It does not preclude us --

>> Alter: Does not preclude you from bringing it back or some impinges of us taking up another plan. What would be the quorum rules, though, if, you know, you guys have already worked on this, we postpone it indefinitely, and a different permutation of us wanted to work on it, how would we make that happen? Because in order to get beyond where we are now, more voices will have to be in there, and it's going to be hard for us, though, to get anyone in the room for any more meetings.

>> So I think if you do -- if the same people brought the very same item back, you wouldn't have the same people bringing the very same item back. And, obviously, given the discussion on the dais, they would probably change it a bit in order to hope to have their colleagues join in. If different people want to have a different proposition, then you could have a different group start to work on it.

>> Alter: Would there be any value in motioning today as we postpone it to create a task force, which we've been talking about, with respect to our committees, that there would be a role for something like that?

[5:13:36 PM]

I don't know what people -- it's just an idea. I'm just trying to figure out something to that people understand that we're not saying no to taking action on affordability, but there's discomfort with adopting this particular plan and this format, and everyone has their different reason for supporting or not supporting it. But I would like -- this is important enough that we immediate to take some action, but that format is not there yet, so that we will succeed in all the other steps that would have to follow.

>> Troxclair: Mayor?

>> Mayor Adler: Yes, Ms. Troxclair.

>> Troxclair: I was going to -- because I understood councilmember alter's earlier comments to say that she wasn't going to support an indefinite postponement, I was going to wait to ask this question but I think she posed a question to the city manager that it would be helpful for us to hear from her at this point. And I don't know what she's going to say, but -- about whether or not she feels like there is clear direction in the resolution and the affordability action plan, whether she feels like there is the staff capacity to, you know, follow through on the things that are outlined, or if -- if there are any other suggestions that she would like to add. To the conversation of the indefinite postponement, in my opinion, that would be an absolute, just -- I don't -- I wish that I could think of a less drastic way to say it, but I think it would be a slap in the face to the community organizations who have been here and who have come together and have had all these discussions to support this thing in front of us today. This council has never indefinitely postponed an item from council, in my recollection. Yes, there are certain staff items -- normally, when we do an indefinite postponement, it's because we want it to go away and die and we don't want to of to deal with it again. So, if the message that this council wants to send, that an affordability action plan, that we want -- I mean, of course I support the one that's in front of us.

[5:15:43 PM]

And I think that we're never going to have a comprehensive list of everything that we can do to address affordability because if you start making this list -- and I've tried -- it goes on and on and on and on and literally encompasses everything in the world. This is just the five targeted areas that city council has direct control over. So if I don't get the chance to speak to councilmember Flannigan's amendment, I know that he had planned -- I've had a chance to look over it and had planned to offer an amendment to remove the language regarding the effective tax rate in the budget, and although that's something that was really important to me, and I think that it's a tool for anybody to use when they're putting together a budget, is to make sure kind of where their baseline is, however, I understand the -- I understand the hesitancy and the pushback against that language, and I understand the -- and want to avoid the fear

that that might cause for our city employees. So even though that was something that was one of the most important things to me in this whole thing, I was prepared to accept his amendment because I understood that -- that the labor union was actually prepared to support this -- possibly support -- I don't want to speak for them, but that that was one of their main concerns, and they were possibly prepared to support this action plan with that change. So, you know, I think that any -- any indefinite postponement -- and honestly, any postponement -- there's always going to be some -- we can never make anybody happy. One of the reasons that we were elected to council is so that we can take people's opinions into consideration and apply them, have productive conversations with each other, and apply that in a way that sets policy -- that no decision that we ever make as a city council is going to have to make every single person in this city happy.

[5:17:45 PM]

This is an unprecedented time where these -- these community members have come together, and for a councilmember to say that the social services organizations just didn't know what they were signing onto, is just inaccurate. If you had the ability to reach out and talk to them or if you had the ability to tune in to the press conference this morning, they have stood in solidarity with this plan. So I just don't want that to get lost in the conversation, and I'm sorry I got side-tracked from asking the city manager the question about how she would she'd implement this but I had to take those few months.

>> Pool: Mayor, I'd like to save our city manager from the manager of choosing sides. I agree, call the question. I just want to point out that we have the inventory of affordability coming from the city auditor soon and we have the strategic planning process coming to us soon, so this will not get lost in the shuffle.

>> Mayor Adler: I don't know that I'm comfortable cutting off the city manager when someone on the dais asked the manager a question. Do you want to answer the question?

>> I appreciate all of the council's comments today, and certainly we, as staff, have taken them to heart. We have looked at this resolution over the last week. It does incorporate many of the resolutions that you have already passed that we have underway. I have worked with the city auditor. I know that she is bringing forward soon her inventory of your initiatives on affordability, which is what you tasked her with this fiscal year. I think the framework of this fits very well into the strategic planning that the council started in January. We are trying to schedule for -- I'll give you the date -- April 5th, our next workshop with you, where we would bring back the -- the outcomes that y'all have already drafted with the indicators, some work that staff has done to forward that, so that you can review it again, and then bring you our roadmap for a framework which would, I think, get you where you've asked me to go in this resolution.

[5:20:16 PM]

You've asked me for a timeline, you've asked me for a plan. But really, I'd like to see that strategic plan address some of this. I've not seen what I would call an omnibus resolution like this, where kind of grabs a lot of the or resolutions we've already -- have had approved and put them in one place. But what I've heard you say is, we want a website. And we can do that without a resolution. I'll start working with the staff right away to do that. You want a website that says, here's what we are doing to address affordability. As we move through the strategic planning process -- and obviously, that was one of your key priorities -- we can certainly tailor, change, alter the website to match that. So I think that much of the stuff that you've asked us to do, over time we would have gotten done anyway. Maybe not in this format. What this did form was created another task of keeping up with it in a different format, in a more comprehensive format. So I'd have to think about doing it differently. I can go either way, whether

it's postponed, it'll come back in different formats -- I think if it's postponed; I can go with it if it's passed. So I'm not going to split the baby because I love you all.

[Laughter] But we've heard you all, we've heard your comments, and certainly we don't have to have a vote to start taking action on some of these things. And already, many of them have had your vote, and we have them underway.

>> Mayor Adler: There's been a motion to cut off debate, which requires a two-thirds vote of council to do that. Is there anybody else that wants to speak? Then let's just go ahead and take a vote. I'm sorry?

[5:22:17 PM]

I have a motion, which is not debatable. I think Ms. Alter wants to speak. Those in favor of cutting off debate, please raise your hand.

>> Garza: If she's the only one that wants to speak --

>> Mayor Adler: Do you withdraw the motion? Those in favor of cutting off debate, please raise your hand. Those opposed? We lack the two-thirds necessary to cut off debate. Ms. Alter.

>> Alter: So, council, I would welcome advice on if we would be able to create a task force or -- I'm struggling with, how do we manage to talk about this? Because I can't talk to the -- like I'm trying to understand how I productively move forward with my colleagues, which is, I think, the frustration that I have, and we can't keep having meetings where we all have to be there. But if this is -- you know, how do I -- how do I have those conversations without having to, you know, have the conversation through the chamber, which is what had to happen today, with my colleagues about this? Because I haven't been able to express my -- you know, exactly what my concerns are, and my constructive suggestions of how we move this to action from planning.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I think this is the kind of -- just from my personal perspective, I think this is the kind of issue that is appropriate for a task force because it's confined in time. It doesn't have to be, you know -- because it can be a narrowly focused task that could be done through a task force. So that would be my thinking about that.

>> Mayor Adler: You know, in a situation like this, certainly you could give any suggestions that you had to a group, just by going on the message board, which is one of the tools that are available, to have a back and forth discussion with more people.

[5:24:18 PM]

You could put it in a task force. Task force is going to require a public hearing and a notice. So that would also be a conversation, with a called meeting, assuming we put that kind of numbers to the group.

>> Alter: Mayor, but there's sometimes conversations where they're not baked enough to go on a message board, or they're -- you know, like there has to be an opportunity to be able to do that, and obviously, I can do that with the other -- some combination of the other five, but I'm just procedurally trying to understand how we're actually supposed to get --

>> Mayor Adler: My concern is that --

>> Alter: And my second question is, could I -- do I have to do a separate ifc to create a task force, or could that be a motion that gets made with respect to this today?

>> Mayor Adler: In the existing rules we have right now, I could do that and I could bring back names at our very next meeting for the group to see and could do it in the meantime, under our existing rules. If you -- if you're hoping to have an off the record -- and it would be great if you could. But if you're hoping to have an off the record conversation now with anyone in that group of five, that would be difficult to

do on this motion, because then that would be an off the record conversation which at that point would reach to a quorum. And that's kind of the quandary we're in. Do you see it differently?

>> I think that's correct. And I'm happy to kind of walk through all those issues with you later. But certainly you can create a task force later, the mayor can do it under the rules, you can bring it back at the next meeting. You can always talk about this at a work session or use the message board.

>> Mayor Adler: And I want the legislature to be watching this.

[Laughter] Yes. The motion is on the floor to postpone this indefinitely. Those in favor of the motion to postpone indefinitely, please raise your hand.

[5:26:18 PM]

The mayor pro tem, pool, Casar, alter, Garza, Renteria. Hopessed raise your hand. The balance of the panel. It is postponed indefinitely. We have a few more minutes here. Item 34 is the economic development incentive piece of this. I've handed something out that is a white paper. It's a red line that incorporates the changes that were requested to be made. There's one additional change I would make to this after having this pointed out to me by both Ms. Houston and the mayor pro tem. On the third whereas clause, in the middle of it it has people with differing abilities. That should actually read individuals with differing abilities. So on the third resolve clause, that would say: Individuals with differing abilities. I would make this motion. Is there a second to this motion? Ms. Houston seconds it. There are a couple people here to discuss this if they want to. They both signed up, I think, neutrally. If they want to speak -- do you want to speak to this, Mr. King? And then Jim o'quinn, also signed up.

>> Casar: Mayor, as speakers come up, I just want to give them context, if case they haven't seen the amendments, to thank you for including in the language, the intention of this process is to keep the worker protections that have been set up through various reforms. And I know you expressed that at work session, and now that it's in the resolution, I think that helps me certainly support this.

>> Mayor Adler: There was never an intention otherwise.

>> Casar: Exactly. Thank you.

>> Mayor Adler: Mr. King.

>> Thank you, mayor, mayor pro tem and councilmembers. I'll be very brief. My main point in here, when we're going down this road of economic incentives, development incentives, that we make sure that they're targeted, in my opinion, directly at strategies that help low income families in our city, those -- and I know we all -- this is a priority for you.

[5:28:34 PM]

I just worry that sometimes these incentives are done in a way that -- that we don't really hit that target, or that they're used for market rate projects that don't really help the folks in our community that need the help most. So that's my main thing. And I just wonder, too, if the office of equity shouldn't take a look at these economic development incentive programs and provide you with input on how they see the impact that they may have on our community. Thank you very much.

>> Tim o'quinn with Austin interfaith. I want to just speak to this issuing. We know that the existing incentive process does not have enough focus on bringing companies to Austin, to create middle income jobs. We also know that these incentives do not focus on creating workforce development programs, so our citizens can participate in these middle income jobs, and we also know that the existing incentive process does not focus on the areas of our city that need these companies. So there is a stakeholder process in place, it's in place now, from what we understand, and our ask is that Austin interfaith participate in that process. Thank you.

>> Mayor Adler: That sounds appropriate. That gets us then back to the dais.

>> Pool: Mayor?

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: A quick question for you. Ann suggested adding the equity officer to the work. Is that contemplated in here? Should we -- is that something that you think would benefit the process?

[5:30:37 PM]

>> Mayor Adler: I would hope that the equity officer manager's decisions vetting it to include the equity officer in those conversations.

>> Pool: Great. Thank you. And you did say you thought adding Austin interfaith as one of the stakeholders would be possible?

>> Mayor Adler: Yeah, I would think that this is going to involve a stakeholder conversation on this, we want staff to have the time to do that. Any further discussion? Ms. Garza?

>> Garza: Mayor, I appreciate you implementing some of the things that address my concerns. I just want it to -- the be it resolved -- it's on, I guess, the second page, but the front -- I guess page 3.

>> Mayor Adler: Yes.

>> Garza: The be it resolved, the recommendations for revising the city's economic development incentive policy should be structured to increased community benefits, including, but not limited to, then there seems to be a list of some of the ones that I was really concerned about, that I just didn't want there to be a change to right now, you know, that these -- any kind of economic incentives require living wage, require prevailing wage, domestic partnership benefits. Was the intent here to say that these will continue to be the minimum? Because that's not how I read that.

>> Mayor Adler: That's how it's intended. We're not take anything away.

>> Garza: Okay.

>> Mayor Adler: We're trying to find additional focus. And, again, I don't want us to be -- personally, don't want us to be involved in trying to recruit jobs here that don't pay a living wage, or don't provide those benefits. That's not the purpose of this. And that's what this language was intended to say.

>> Garza: Okay. I guess I just want to say on the record that I will support this if the intent here is to not lower the standard of what is currently required when companies ask for economic incentives.

>> Mayor Adler: I'll work with you to ensure that that's true. Any further discussion? Those in favor -- Ms. Alter?

>> Alter: I just wanted to clarify for when this comes back from staff that there's been a lot of work done by the community and conversations and stakeholders, I think it was with the council's special committee on economic incentives, that mayor pro tem tovo served on.

[5:32:47 PM]

They set a really high bar for some of the community benefits, and I really want to see the innovative solutions that come back with this. But I want to make clear that I'm not supportive of anything that lowers the bar on wage requirements and worker protections. We have to be prudent with our public dollars and changes to our economic development tools that would use public funds to incentivize jobs that pay poverty wages is not something that I would be inclined to support, and I know many of my colleagues agree with that. But since I'm knew to the dais and I don't have as long of a record of stating that, I just wanted to be clear on that as well in terms of expectations for when this does come back. Thank you.

>> Mayor Adler: Thank you. Let's take a vote. All those in favor please raise raiseyour hands. Unanimous with Ms. Troxclair off. We might be able to handle quickly -- how about item 78?

>> What I have, mayor -- what I'd like to do is ask you to do a motion to reconsider item 70 and to do a new motion to postpone it to April 6th instead of March 23rd.

>> Mayor Adler: Okay. Mr. Casar voted in favor of the motion before and now moves to reconsider and change the date to --

>> To April 6.

>> Mayor Adler: To April 6. Is there a second to that? Ms. Pool seconds that. Item number 70.

>> I'm sorry, that was item number --

>> Mayor Adler: I'm sorry.

>> 70 is in my district and I'm not aware of a postponement.

>> Mayor Adler: Hang on.

>> I'm sorry, just one second.

>> Casar: I reconsider my reconsideration.

>> Number 72.

>> Mayor Adler: Number 72. It's been moved and seconded to reconsider, to change the date to which this has been postponed --

[5:34:49 PM]

>> From March 23rd to April 6th.

>> Mayor Adler: From March 23rd to April 6th. It's been moved and seconded. Discussion? All those in favor, please raise your hand? Those opposed? Unanimous on the dais, troxclair off.

>> And on item 70, we have no speakers here for that item, except for the applicant who is obviously in favor. It is for a piece of property that allowed two houses instead of one. The zoning and planning commission cannot make a recommendation on it but if you'd like you can approve staff recommendation.

>> I do not wish to approve the staff recommendation so we can either take that up now or --

>> Mayor Adler: We'll take that up then after dinner. And what about item number 78?

>> Casar: And, mayor, to be clear on that vote, I motion to reconsider, but do we actually successfully vote --

>> Mayor Adler: Yes, I made it one motion. You made it one motion.

>> Casar: Great. I made it one motion. Thank you.

>> Mayor Adler: You made it one motion.

>> Houston: Mayor, are we waiting on a vote?

>> Mayor Adler: 78 is a public hiring. We have no one signed up to speak, and that is to approve a resolution and application to be submitted to -- concerning del valle. Is that resolution ready to go? Or is it open and closing the public hearing and then postponing this item?

>> The staff is not here for number 78.

>> Mayor Adler: Not 78?

>> But we have a postponement for 79.

>> Mayor Adler: 79? To postpone? But we have a lot of people here to speak on 79.

>> Yes. The appellant has requested a postponement on item 79 to March 23rd because he is out of the country, although the applicant is opposed to that postponement, and the applicant is here to speak to that postponement.

>> Mayor Adler: Okay. And it looks like we have, like, lots of people to speak on that one, and I'm concerned we're not going to be able to resolve that one.

[5:36:55 PM]

It's 5:35 -- 36 now, so I'm thinking we need to pull this up right after dinner.

>> Yeah. I'm not agreeing to postpone this.

>> Mayor Adler: Okay. It is 5:36. We're going to break for music and then proclamations. Council, what time do you want to come back? 6:45? Let's come back at 6:45. We stand in recess.

>> Mayor?

>> Mayor Adler: It is 5:37 now. Yes, Ms. Kitchen?

>> Kitchen: Can we talk about the order in which we're going to take things when we come back?

>> Mayor Adler: I think we're going to try to knock out Thornton.

>> Kitchen: Okay. .

>> Mayor Adler: And then --

>> Kitchen: Thornton is 61.

>> Mayor Adler: We're going to try and do Thornton. Did we just do strobo? No, because we had that there? I think Thornton, strobo, we're going to pick up 79, we're going to need to pick up, and then 78, and then saltillo, and then Austin oaks.

>> Kitchen: Okay.

>> Mayor Adler: Okay? 77? #Z 177 we'll do before we get to those last two. Okay?

>> Kitchen: Okay.

>> Mayor Adler: Thank you. We're in recess.

[5:46:00 PM]

>> Tovo: Thank you very much for being here. I'm apparent Kathie tovo. It's our live music, a great tradition we have here at the Austin city council of stopping each meeting at 5:30 for a time for live music to celebrate some of our live musicians and then proclamations. And tonight joining us is Courtney santana. Courtney is a vocalist, actress, and performer. She has performed alongside guy Forsythe, nackia, and salt and peppa. In 2010 she began her own band and can be seen singing at numerous events, including hands benefit day, the river city first of all, and more. She will be producing her first single, survive, in April 2017 and will debut her CD in the winter of 2017. She is also a renowned public speaker and an advocate for domestic violence and abuse. She has started a survivor support organization here in Austin, Texas, called the survive to thrive foundation. So we are thrilled to have with us this evening Courtney santana. Please give her a warm Austin welcome.

[Cheers and applause]

>> Thank you.

[♪ Music playing ♪]

[Singing]

[5:50:07 PM]

Remembered.

♪]>> Brian Howard, everybody, on the keyboard.

[Music playing]

[Music playing]

[Applause]

>> Tovo: Thank you. Thank you so much. That was fabulous. So we understand you have a single coming out soon. Is there a place where you can direct our listeners to?

>> Sure.

>> Tovo: To find your music?

>> A website called Courtney santana.com. You can see my website and non-profit site. Like everything is there so you can go there. And it'll be on iTunes so you can download it there.

>> Great. So that website is just under your name, and the name of your foundation again is --

>> The survive to thrive foundation.

>> Tovo: Super. And will you be performing around town anytime soon?

>> Yeah. I'm always at the airport. I sing a lot there. And I'm singing -- oh, up in Round Rock, I sing there. It's on our website and I'm on social media under Courtney santana music.

>> Tovo: Thank you. On behalf of Maryland and sire city council, it's my pleasure to present the following approximate.

[5:52:10 PM]

Be it known that whereas the city of Austin, Texas who is blessed with many creative musicians whose talent extends to nearly every musical genre, and whereas our music scene thrives because local favorites and newcomers alike, and whereas we're pleased to showcase our local artists, I, Kathie tovo, on behalf of SeaWorld, mayor of the live music capital, do hereby proclaim March 3rd, 2017, as Courtney santana day in Austin, Texas, and it's signed by the mayor.

>> I think I'm up now. So I have a proclamation here for social work month. Do you want to stand with me for that? It's my very first proclamation as a councilmember. So I'm very excited that I get to do this. [Applause] So here we go.

[5:54:10 PM]

Be it known that whereas the primary mission of the city of Austin social work profession is to enhance the well-being and help meet the basic needs of all people, especially the most vulnerable in society, and whereas social workers embody this year's social work theme, social workers stand up, by serving, advocating for, and empowering citizens of Austin each day by promoting a community and an environmental sustainability, and by working with individuals, organizations, and local and federal government to improve communities and to protect the environment; and whereas social workers have pushed for decades to ensure equal rights for all, including women, African Americans, Latinos, people who are disabled, people who are LGBTQ and various cultural and religious groups, and the large group of mental health providers in the United States that work daily to help people overcome substance abuse disorders and mental illness, I, Jimmy Flannigan, for Steve Adler, mayor of the city of Austin, Texas, do proclaim may 2014 as social work month in Austin.

>> Houston: Good evening, everyone. My name is Ora Houston and I represent city council district 1, and it is my pleasure tonight to read a proclamation regarding the national week of prayer for the healing of AIDS.

[5:56:21 PM]

Be it known that whereas in Travis county, the prevalence rate of HIV among black females is over 16 times higher, compared to white females, concurrently blacks are more likely to die from HIV than others, and whereas the city of Austin public health department quality of life program has worked with more than 35 churches, community-based organizations, and AIDS services organizations to inform, educate, and empower the community with respect to hiv/aids health, and whereas thanks to the involvement of local churches, awareness, and education will be made available to citizens through presentations, workshops on prevention, HIV testing, and referrals to help solve this major health disparity; now, therefore, Steve Adler, mayor of the city of Austin, Texas proclaims March 5th through

12th, 2017, as the national week of prayer for the healing of AIDS in Austin, Texas. And here to receive this proclamation is Shannon Jones, director of health and human services for the -- oh, I am so sorry. They changed their name. It's public health. Director of Austin public health. Thank you, sir.

>> Thank you very much, councilmember Houston. And joining me are staff from the Austin public health department who are part of this effort. We want to elevate the issue of HIV and AIDS in our community. As the councilmember has said, the rates for HIV in African American communities are significantly higher than those of other populations, and the department, along with its partners, are working to address that significant disparity, in many programs.

[5:58:29 PM]

And so on next Wednesday, March the 8th, at 7 o'clock P.M., at the greater mount Zion missionary Baptist church on Tannehill, we'll be having a ceremony focusing on the national week of healing for HIV and AIDS, and particularly from the faith-based community. And we encourage everyone in the listening audience to attend. This is an effort to talk about not only how traditional partners, but also how faith-based organizations and faith-based entities can assist in this issue of addressing morbidity and mortality as it relates to AIDS. So thank you very much on parts of the department, our partners, and our players. Thanks very much, and hopefully we'll see you on next Wednesday. Thanks again.

[Applause] Hill, tan.

>> Good evening, again. I'm Kathie tovo, I serve as mayor pro tem and I'm joined by my colleague allisonalityer and our next proclaiming will be presenting to those representing I live here, I work here. Many of you watching probably have gotten emails and information about this. This is a really exciting event that takes place every year and we're so honored to be able to recognize you today and your efforts with the following proclamation.

[6:00:30 PM]

Be it known that whereas I live here, I work here is an amplify Austin day, our region's annual day of online giving has connected central Texans with the causes they care about since 2013. It has raised more than \$25 million for hundreds of austin-area nonprofit organizations that meet the needs of the community. And I live here, I work here ensures a culture of giving back is embraced and I thought throughout the area by supporting a variety of programs throughout the year and whereas today will mark the fifth annual amplify Austin giving day and the tenth year of I live here, I work here as an organization that encourages Austin locals to find the issues they're passionate about and give. Now, therefore, I, Kathie tovo, on behalf of Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 2, 2017 arbitration I live here, I work here amplify Austin day in Austin, Texas. Congratulations. [Applause] I'd like to invite you to say a few words.

>> Thank you so much to mayor Adler and the city and our community for honoring I live here, I work here. We did build amplify Austin day for the community, for the benefit of all. And it has started the fifth campaign actually about a minute ago. It started at 6:00 P.M. And it's 24 hours to give to our local nonprofits. We have 700 participating this year, and every single one of those organizations is what makes Austin go around. It is the programs and service that's take care of us and our beautiful jewels in this city, and we just encourage more austinites and central Texans, it's a seven-county region we actually cover to get online and give, amplifyatx.org. We hope to raise more than \$9 million today for the benefit of the whole community, and we are just very grateful that the city has embraced this campaign.

[6:02:31 PM]

So get online and give. It's time. Right now.

[Laughter] Thank you so much.

[Applause] .

[6:05:47 PM]

>> Mayor Adler: Are we ready? All right. Good afternoon, and thank you for joining us today as we recognize and honor our women veterans in celebration of women's history month and women's veterans month in March. So today we're here to celebrate the women who took a stand to defend our nation in the armed forces, those who served and those who continue to serve today. Both on active duty and those serving in the National Guard and reserves. Ladies and gentlemen, please welcome right behind me United States Army World War II veteran first lieutenant Grace Morris.

[Applause] Lieutenant Morris served in the Army Nurse Corps in Austria and Germany as an RN. Her contribution to our nation's service is why our women continue to stay strong and overcome any hardship and obstacle. The history of women in military dates back to the American Revolution, where they were not seen as equal to the men who also fought and defended our nation, but today our women veterans are able to command military installations, branches, joint elite fighting forces and do whatever is necessary to proudly serve and protect our great nation. The city of Austin is proud to have nearly 150 veterans in our workforce, many still serving in the Guard and the reserves and some with multiple deployments overseas.

[6:07:56 PM]

The population of veterans in the United States is over 20 million, and the population of women veterans is over 2 million. Texas has and continues to be home to the largest amount of women veterans for the past three years. Now, the city of Austin has undertaken a number of initiatives to create or enhance services for women veterans, including our continued initiative to end veterans homelessness in Austin. And this month we are having our third women's veterans appreciation luncheon for our women city employees who proudly served our country. It is just our way of saying thank you. We have built a strong allegiance with the VA. The Texas Veterans Commission, the Texas Veterans Leadership Program, our five surrounding counties, local veterans support nonprofits, and created a lasting partnership with Camp Mayberry and Fort Hood to better serve and support our women veterans. So in that respect and with all that in mind, I have a proclamation. Be it known that whereas, the American Revolution almost -- since the American Revolution, almost 2 million women have volunteered to protect and serve our country with honor and distinction during war and peace. And whereas Texas continues to be the leading state in the country for women's veterans to call home with 180,286 reported and whereas the city of Austin with the Department of Veterans Affairs, the Texas Veterans Commission and veterans service organizations across our city recognizes the women who overcame every barrier and persevered through their strength and determination to make a difference for all women serving in the military today and whereas we encourage all Austinites to recognize the courage and the dignity in which women veterans from all conflicts and eras demonstrated with great skill sacrifice and commitment to defend the principles which our nation was founded.

[6:10:35 PM]

Now, therefore, I, Steve Adler, Mayor of the City of Austin, Texas, do hereby proclaim the month of March 2017 as Women Veterans Month.

[Applause] Would you like to say something? Let me shake your hand. Thank you so much.

>> Thank you. Thank you. Mayor, am I supposed to talk?

>> Yes.

>> Oh, well, I started my nursing in 1941, and I trained here at braken ridge emergency, I mean, Brackenridge hospital here in Austin, and I worked for a while and then my home was in bastrop and camp swift was pretty strong then so I got to go to camp swift to do my basic training and they give you a check for your mileage to the camp. My check was \$6 because I was 6 miles from the camp. From then on, I went into the military and stayed until -- well, for four years, and finally went overseas to Germany and Austria. And my daughter was born at Walter reed hospital in Washington.

>> Mayor Adler: I grew up real close to Walter reed?

>> Oh, did you? Where.

>> Mayor Adler: Actually born in the city, lived in Woodley place and as I got older we moved further out, Connecticut avenue.

>> Mm-hmm.

[6:12:35 PM]

I lived at Arlington, Virginia, just outside of the --

>> Mayor Adler: Thank you so much for your service to the country and for joining us here this evening and giving us the opportunity to read this proclamation.

>> Oh, it's wonderful.

>> Mayor Adler: Can I have a picture taken with you?

>> Huh?

>> Mayor Adler: Can I take a picture with you?

>> Yes, you can.

>> Mayor Adler: All right.

[Applause]

[Recess]

[6:55:44 PM]

>> Mayor adler:all right. Let's see what we can do.

>> Casar: Loaded.

>> Mayor Adler: We're back from dinner recess. It is still March 2, 2017, Thursday. We're in Austin city hall. Let's begin. We need to -- I think Ms. Houston has passed out to the dais the motion sheet relative to item number 37, and I think we need to reconsider that item and allow Ms. Houston to add some additional language. You want to explain that?

>> Houston: Thank you. Thank you, mayor. This will be quick. I thought this language was in the backup and then was told by the clerk it wasn't. So when councilmember alter asked a question and I said, no, we're gonna extend some time, I went and checked, and so I need to read this into the record, if that's okay. So --

>> Mayor Adler: Okay.

>> Houston: I've already talked but I also voted in the affirmative so somebody else needs to --

>> Mayor Adler: That's okay. We're gonna do it here. Ms. Houston moves to reconsider item number 37 and also then to change the language, to add some language to 37. Is there a second to that motion? Mr. Flannigan seconds that motion. I'm gonna read into the record the language you're gonna have?

>> Houston: I move to amend paragraph 1 of the resolution to expedite the study of the rosewood park corridor to come back to council on March 1960 2017. It says expediting the results and

recommendations of the study of rosewood park corridor to return to council no later than March 23, 2017 council meeting.

[6:57:45 PM]

The city manager should provide the recommendations for other corridors on or before the August 17, 2017 council meeting. That's to give staff time to do all of the other corridor studies.

>> Mayor Adler: Motion to reconsider add language has been moved and seconded. Any discussion? Then let's take a vote. Those in favor please raise your hand. Those opposed? Unanimous on the dais with Ms. Troxclair off. That is now handled.

>> Houston: Thank you, colleagues.

>> Mayor Adler: Okay. What about item number 79 -- 78. 79. Is that something we can handle quickly? Hang on a second. Can't hear you.

>> Sorry.

>> Mayor Adler: Go ahead.

>> I'm Donna with development services department here with item 79. This is an appeal of the planning commission's approval of a conditional use permit from January 10, 2017. There is a postponement request filed by the appellant, the applicant is opposed to that postponement and the applicant is here to speak on that postponement. And on the case.

>> Mayor Adler: Let's first handle the postponement request.

>> Okay.

>> Mayor Adler: So we'll entertain the issue of postponement if it gets postponed it will be postponed. If it doesn't get postponed then we will handle the appeal. First the postponement. Who is it that's requesting the postponement?

>> The appellant is requesting the postponement. The appellant is not in attendance.

>> Mayor Adler: Is the appellant here?

[6:59:45 PM]

Okay.

>> Houston: Mayor, she said the appellant wasn't here, but who is the appellee?

>> There are three appellants, Gloria Moreno, Gavino Fernandez, Jr. And Leon Hernandez.

>> Renteria: Mayor, I don't agree with the appeal by Gavino. I -- my recommendation, what I'm going to do is deny the appeal and approve the conditional use permit. That's my motion.

>> Mayor Adler: Before we get to that motion, we need to handle the appeal request and then I'll come back to you.

>> Renteria: Sure.

>> Mayor Adler: The question would be, there's been a postponement request. Does anybody want to move to postpone this item? Okay. Hearing none, we'll then move then to the appeal. First we'll start with a report from city staff.

>> Okay. The conditional use permit is for a cocktail lounge for tamale house, conditional use permit located at 1706 East Fifth Street. A cocktail lounge is a conditional use in the TOD neighborhood plan, transit oriented development zoning, and this is located within the Plaza Saltillo regulating plan. The planning commission heard the item, it was postponed several times between November of 2016 and January 10th, and on January 10th, 2017, the planning commission voted 12 to 0 to approve the motion on the conditional use permit and parking variance, and no conditions were placed on the approval.

[7:01:48 PM]

>> Mayor Adler: Thank you. Mr. Renteria, now, what is your motion with respect to this?

>> Renteria: I move that we accept the staff recommendation to deny the appeal and approve the conditional permit.

>> Mayor Adler: Okay. Mr. Casar seconds that motion. We're now going to ask for a presentation by the appealing party, or his representative. We have ten minutes in time and no donation of time. Is gavino here? Do you want to address this?

>> How much time? Ten? Well, thank you, council, for listening to this one particular issue. I want to thank my friends who helped me come back. I was in nuevo Laredo and I was in San Antonio when I heard y'all were not going to postpone this item, so thank you to my friends for making me come and be available to testify to this, because this is a very, very critical issue that is facing our community. If you look at the map that I have, and if you look at the location of this restaurant, it's not on 6th street. It's not on 6th street, it's on 5th street. And if you cruise on 5th street, there's no bars on 5th street. And if this location, the only buffer you have is the railroad track, and you have one of the most currently being built, east side, 4th and Chicon apartments, the restaurant, the only buffer between that bedroom is a railroad.

[7:03:59 PM]

And the planning commission heard this case at 2:00 A.M. In the morning. Half of them were already asleep and wanted to get out of there. This isn't about the tamale house. The issue that we're addressing is the overall policy of giving 2:00 A.M. Permits to businesses adjacent and within proximity of our neighborhood. If you see, again, the location, south, you have, again, 4th and Chicon, east side apartments, then you have Chalmers courts, then you have all residential. The other alarming element of this is that they're doing 2:00 A.M. Monday through Thursday -- well, Monday through Sunday. We have children that go to school Monday through Friday. If anything, at least limit them from going beyond 12 o'clock Monday through Thursday when we have children in our community that go to school the next day. I travel Koenig lane from Lamar to burnet road. No 2:00 A.M. Facilities on that corridor. I travel Lamar from 7th street. That whole corridor, again, no bars, no 2:00 A.M. I travel south congress and the bowling oaks neighborhood, no 2:00 A.M.S. So that's what this is all about. Because basically what we're doing here -- and let me share with you a history, whether I've asked for 2:00 A.M., and it was night, buckets asked for 2:00 A.M., it was denied. Blue owl looked for 2:00 A.M., it was denied. [Buzzer sounding] There was another business -- another business right behind H-E-B on 7th street that wanted to go 2:00 A.M., but Gloria Moreno and the community talked to the business, and they have a brewery there, because of their concern a let-out of people at 2:00 A.M., when they let out, you know, they weren't drinking iced tea when they were there all this time.

[7:06:31 PM]

But it basically puts our community, our children, our senior citizens who use this haven to rest and go to go to sleep after a long day's work. And to say that, well, it's an issue of competition because businesses in front of me have a 2:00 A.M., but again, our position is that we don't need more 2:00 A.M. Consumption of alcohol that puts our community in danger. When you took an oath of office, you took an office -- you took an oath to protect the safety and the welfare of our community. Supporting this 2:00 A.M. Permit is a far cry from meeting that objective. Yes, we don't have top consultants to come up here and argue our cases. We're a poor community. We're very few left in that community. But those of us that still remain there want to continue and enjoy some kind of quality of life. When I -- I have family that lives on Koenig, right in front of pan am. We hear the music from Chicon at 12:00, 11:00, 10:00 A.M.

And it's disruptive, and that's why many people move out. That's why a lot of ranchers, aside from the increase in value, move out because they don't want to have their children facing those safety risks and putting their family's life in jeopardy, because someone's going to let out at 2:00 A.M., drunk, not knowing whether to turn north or south. Turn south, and I'm in the neighborhood, and I'm lost.

[7:08:32 PM]

So now, government is helping businesses compete to see how many businesses can get more people drunk to 2:00 A.M. Because that's what I've been hearing, that this is because we are protesting this, this isn't what we're allowing. Our ability to move and walk and make it a safe community is in jeopardy. And like I mentioned, previous councils and planning commissions have protected our neighborhood from this type of intrusion. And I couldn't comprehend any neighborhood from your different districts would allow this type of operation, to run to 2:00 A.M., Monday through Thursday. And they're going to be seeking amplified music permit, all in the spirit of competition. Putting lives in jeopardy. Causing you to stray away from your oath you took in protecting the safety and welfare of our community. And like I mentioned to you, this isn't on 6th street, this is on 5th street. And then you set a precedence. Guess who's going to be opening down the street?

[Indiscernible] House. Why can't we get a 2:00 A.M.? You know. Because if we don't have a 2:00 A.M., we're not being on an even competition. So many of our -- two presidents, neighborhood presidents, signed against this effort. Gloria Moreno, Leon Hernandez, who all had businesses themselves, but were more cooperative and more safety concerned with the neighborhood.

[7:10:40 PM]

One in a million is open. He shuts down at 10:00 P.M. They say if we don't get this business, we're going to shut down.

[Indiscernible] Didn't shut down. Buckets is going strong. White owl is still going strong. When we try to discuss these issues, Mr. Valeta, at the end of our discussion, said, well, I'm going to use all my power and all my resources and money to get this permit. I said, that's fine. That's part of the process. You have that ability. We don't. We're a poor community. We're blue collar. We're on fixed income. We don't have \$10,000 to go hire a consultant and to come lobby you and visit you. I asked Gloria Moreno, did you call any of the councilmembers to see if they would entertain a meeting with you regarding this? She said, yeah, but no one responded. Now, I asked them to come during citizens communication, mayor, because they're elderly. They can't be here till 11, 12 o'clock, but they're landowners. They're taxpayers. So that's why they came that day at noon, to come and convey to you. That's the cry of the barrio, from these ladies, our grandmothers, our mothers and our aunts that are concerned about the welfare and safety of their children in this community, when you begin giving permits to taverns to stay open to 2:00 A.M. The ones that have 2:00 A.M. Today are there because they're grandfathered. So all we ask you is, again, three neighborhood associations oppose us, and all we ask is that if you feel compelled to pass this, for whatever reasons, that you at least mitigate, like they say in the barrio,

[7:12:48 PM]

[speaking Spanish].

[Buzzer sounding] Echo what they had asked me to come represent. Thank you, mayor, and I appreciate the opportunity to talk to you.

>> Mayor Adler: Is there anyone else here to speak in support of the appeal? Okay. Then we'll take a presentation by the respondent, also a 10-minute allocation.

>> Thank you, mayor, mayor pro tem, I'm representing the --

>> Mayor Adler: Can you pull the microphone a little closer?

>> Ron thrower, representing the landowners of this property, the Valero family that has owned it a long time, several decades. The city clerk's office is handing out to you the presentation that I'm going to be providing to you. I'm going to make this as quick as possible. The property does have an address on 5th street, but the parking access is off of 6th street. This is the property that's located inside the tod, which is shaded in this blue color. It's the only shading on the exhibit, other than the tamale house property. And here it is in context of all the development that is occurring around the area. And as you can see, the area is quite developed with a lot of new development to the south, saltillo station, to the east -- or to the west, east side village. There's a lot of development occurring in east Austin.

[7:14:50 PM]

The Valero family is looking for a more level playing field for their business. The taxes have gone through the roof during the time they've owned this property and they're looking for ways to chief. This is definitely what this is about here. This is an exhibit that shows the actual condition of the use permit site plan. There's no construction associated with this site plan. All of the parking exists there today. The restaurant that's there today, part of it is being converted over to a cocktail lounge use. And so with that, we're appropriation almost 2500 square feet of cocktail lounge use. And there's an apartment on top and that's where Mr. And Mrs. Valera live today. Here advertise property in is the property, all the bars are open till 1:00 A.M. There's more to the another one side and they're surrounded by bars. The corridors of 5th, 6th, and 7th, are supposed to be designated as the entertainment corridors in the east Austin area and we're abiding by that. We're not attempting to put a bar on 4th street, 3rd street, Cesar Chavez, or elsewhere. Here is another map that just shows it a little bit more clarity, without the aerial of the other bars that are in the area. And I want to point out this my client has actually made my job very easy. They know the neighborhood. They know everybody in the neighborhood. They have gathered over a thousand signatures in support for the development of what they're seeking here. And even more important, they have gone out to every resident within 200 feet and got their support for this variance for the parking, as well as for the cocktail lounge use to go in. The appellant, I don't believe, has even pet the measure of the appellate burden as outlined in the land development code. So I question, first of all, whether y'all should even be hearing this case. If I'm going to be speaking to the items that the appellant has raised that are specific code issues, they raise parking as one. This site meets and exceeds all parking requirements and has been reviewed and approved by the city of Austin and got a 12-0 vote at planning commission.

[7:16:58 PM]

12 to zero. Another item they raise is that the approval of this conditional use permit by the commission is a violation of the noise and nuisance ordinance. I don't know how an approval is an actual violation, but I can also tell you that my applicant, the landowners, have never received a violation of noise or nuisance for this property. And then secondly, they just talk about parking -- or thirdly, they talk about parking in general as being a reason to appeal this conditional use permit. And, again, there are no code provisions that are appealed before you that warrant any discussion, and we're looking, obviously, for your approval for a conditional use permit, which would also be a denial of the appeal. With me tonight is the family and their friends, some of them, that own this business, and if they want to raise their hands, they certainly can, so you can see the support that we have. This is about one-tenth of the support that we had at the planning commission that showed up. And certainly, if you have any

questions of the family members, they are more than ready and available to answer any questions that you have. And as am I. Thank you very much.

>> Mayor Adler: Does anyone want to speak in support -- in opposition to the appeal, or was the show of hands that demonstration? Does anyone want to speak in opposition to the appeal? On down.

>> Yes. Hello. Good evening, mayor and council. I'm here to support the tamale house. We were just here at planning commission a couple weeks ago, or I can say a month now, and we have worked really, really hard, outreaching to the community, to the minority businesses that are left here in east Austin, about what exactly is going on here.

[7:19:04 PM]

I think that the family has proven, not just to the community, but to council and to the planning commission, that they are very established here in east Austin. Many of us have utilized this restaurant, we have supported them, they have opened their doors to the community. We have hosted several events for different politicians. Jose valeta visits his family. He serves on the contact team. We have done everything in our power as a community to unite together and support this last minority business that is left on east 6th street. As many of y'all know, the neighborhood is under attack at this time with growth development. It is very, very upsetting and disappointing that gavino has brought this to council for appeal. We are trying our best to work in the community, to unite together to preserve what's left there. Minority businesses and minority residents. We do not have the time to be here out of our personal lives to talk about a one-hour permit that he has -- that he's appealing for this family's request. It's disappointing, it's upsetting, but we are here to support them. We have the community's support. So we speak in behalf of not just stockholders but several, several people that reside in the community and that utilize this business. So we are here to ask you all to deny his appeal because there's other issues in east Austin that we should be talking about. There's other things that are going on in east Austin that need to be addressed and discussed. And this is a waste of council's time and a waste of our time. We have -- we have been -- we have gone through the process. They have hired an attorney. And we're all here in the audience to support them. So we've asked if you can just support us and keep this minority business where it needs to be so that he can be able to prosper and continue to grow in east Austin, just like all the other businesses that surround them.

[7:21:12 PM]

There is no school near here. There is no residents near here. So his argument here is not justified at all, because we are the community. We are the barrio. So if you're going to talk about us, up here, make sure that we are included in this discussion, and that we have the opportunity and the right to fight for what's ours. The tamale house belongs in east Austin, and they belong to stay there till 2:00 A.M., just like any other business on that corridor. Thank you.

[Cheers and applause]

>> Mayor Adler: Does anybody else want to speak in opposition to the appeal? Okay. Mr. Fernandez, I'll give you three minutes to rebut if you would like to.

>> I would like to speak on behalf of our owners and

[indiscernible] That oppose this permit. I am proud to be here to speak for those that are not represented on this dais, nos protection and safety of our community and our children. Again, this isn't about a specific business, this is about an overall policy of giving businesses 2:00 A.M. Permits, with proximity to residents. Mayor, if I recall, you posted on Facebook that it wasn't a good policy to place businesses close to residential. And at the same time, it wasn't good to put housing next to businesses. Or did I misquote that? And this is what we're doing here. We have residential and we have a tavern

that wants to stay open till 2:00 A.M. I feel sorry for whoever rents this apartment right here, that's going to have to listen to all that noise at 2:00 A.M. And god forbid if they have families.

[7:23:14 PM]

And then we're always talking about building for families along the corridor, along the rail, to increase capacity for light rail. Zoning is another catalyst to gentrification. This is another zoning condition used that again, you know, distracts, that's not -- it's not appealing to people to come in and raise a family. So it's a life issue. It's a quality of life issue. Like I mentioned to you, this one happened in all your other districts because those neighborhoods are powerful and they do go out and vote and they wouldn't allow you to do this. But when you look at east Austin, when you have pan am, 200 votes, and you look at tarrytown, 1500 votes on the same day, you know where the power is. So we a lot of times receive government voting because we don't have that type of voter turnout that should be out. So, yeah, you know, this is to me another nail for that increased gentrification of our people. And there is a big difference because this is not on 6th street. This is on 5th street. And you do have UT elementary. You do have [indiscernible] But it's up to you, whatever you want to do, however you decide that this should go, the accountability, that preventing a disaster, lays in your hands. Thank you.

[Buzzer sounding]

>> Mayor Adler: That gets us back up to the dais. There's been a motion and a second. Is there any further discussion on the dais?

[7:25:16 PM]

Ms. Houston.

>> Houston: I have a question for staff. Thank you. On, let's see, 6th, between -- east of the tamale -- no, west of the tamale house, there's a multifamily development there. How many units are in that development?

>> I don't know how many units are in that development.

>> Houston: It's right there on the corner of 6th and comal. Okay.

>> That's the arnal.

>> Mayor Adler: Do you know how many units are there?

>> There's about 240 units.

>> Houston: Okay.

>> Close to it. It's a 60 feet development with retail on the bottom. And then next-door to that is a big office building, and that's -- and then after that, it's just a vacant lot, and then tamale house, if you go east.

>> Houston: So all of the -- all of the -- all the alcohol and late-hour businesses, they all stay open till 2 o'clock?

>> Most of them, yes.

>> Houston: And from Tuesday through what day? Or is it the weekends or --

>> Most of them have a permit -- are allowed to be open till 2:00 A.M. On all days.

>> Houston: All days of the week.

>> Yes.

>> Houston: Thanks.

>> Mayor Adler: Any further discussion on the dais? Mr. Casar?

>> Casar: I'm largely convinced by the arguments that the rules are being followed and that as far as an appeal goes, this doesn't reach the standard for me to vote in favor of the appeal, so that's my comments on my vote.

[7:27:18 PM]

And then just my separate remarks are just to thank the Valera and Vasquez families for what they do in our community because while we talk about -- and we work on gentrification issues as far as housing goes quite a bit, and even if we may agree and sometimes disagree about how to do that, we all work really hard at that piece. But another part of the gentrification and change issue is how we can root things culturally for focus, and I folks, I think this family has done a lot in that respect and I want to lay out my appreciation for that.

>> Renteria: Mayor, I also want to say my daughter and my husband lives at Saltillo lofts, which is just down the street, less than a block away, and they do enjoy going over there and eating and having a cocktail now and then, and walking back home. So they really appreciate these kind of services that don't require you to be -- to get into your vehicle and drive.

>> Mayor Adler: Any further discussion? Yes, Ms. Garza.

>> Garza: You know, we voted a couple weeks ago about extending the hours for Red River to save those businesses, and I can't think of a better opportunity to save one of our home-grown and local families in East Austin. And it's funny, I didn't know where Bertha was on this, and, you know, she's usually a staunch opposition to anything that can hurt East Austin, and to hear her so passionately speak in support of this sealed the deal for me.

[Applause]

>> Mayor Adler: Further discussion on the dais? We'll take a vote. Those in favor of granting the appeal - - no, no, you made the motion to deny the appeal and to approve. That's how we framed it up. The motion is to deny the appeal and grant the conditional -- which has the effect of grants granting the conditional use. Those in favor, please raise your hand.

[7:29:18 PM]

Those opposed? It's unanimous on the dais with Ms. Alter off.

[Applause]

>> Okay? That takes care of 79. What about -- let's do Thornton road, then we'll do Del Valle.

>> Okay. Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I'd like to say a few things before we get started if that's all right.

>> Mayor Adler: Okay.

>> Kitchen: Okay. And I'm going to pass out just some informational -- here you go. The rest of them this way. So the reason I'd like to do this is because we've had some conversation for a while now, so I'd just like to let everyone know where we're at from my perspective, and then of course you'll be able to hear from everyone involved. So the first thing I'd like to say is I really would like to thank everyone that's been involved. Everyone's been working very hard to try to work towards -- in a difficult situation, a difficult place, to try to work towards some sort of middle ground. I'm not sure if we're there or not. We may not be there, but I do want to acknowledge all the work that people have been engaged in, including our staff, as well as the neighborhood and PSW. So they've all been working very hard at that. So just as a reminder to everyone with the difficulties of this area -- this is Thornton road, and essentially what we've got is a residential collector, a small road, it's an old road, with a pavement width of only 30 feet, and our -- you know -- let's see. Based on our land development code and our standards, that kind of road should not exceed 1800 vehicles per day.

[7:31:23 PM]

And it's already 830 vehicles per day over that. So you combine that with the situation where there's not a lot of room to make a lot of improvement, and you also have -- the other thing that's important to remember about that area, if you all are not familiar with it, is it comes out on oltorf very close to a railroad crossing gate, that's about 186 feet from the intersection with Thornton road. And there are about 20 crossings per day, almost one per hour, so it's a busy railroad crossing. At least ten of those crossings occur between the hours of 10:00 A.M. And 6:00 P.M. And oltorf of course is a busy red way in south Austin. The Thornton road intersection, it's proximity to a railroad crossing is a major limiting factor, creating transportation delays and traffic backup. So you've got a combination of a collector road that's already overburdened, in an area that is difficult to do much in the way of improvements. Of so this was coming to us with a request for mf-4, with a cap of 70 units, and the document I passed out will let you have something to compare as we go through this conversation. And then the staff will go over their recommendation of mf-2. So we have discussed the potential for middle ground at mf-3 as a compromise, with a cap of 55 units, and the reason behind that proposed compromise is that it allows a level of contribution of funds in an amount that could provide some roadway improvements. Again, these roadway improvements are not going to fix the problem, but it would allow for some dollars to pay for widening that road, allowing for a right-hand turn lane. It's not enough to pay for any kind of pedestrian or [indiscernible], or signal at that light, but there's concerns about whether that's appropriate anyway. So the mf-3, the idea behind it with a cap of 55 units is to provide some dollars for some roadway improvements while minimizing the added number of cars.

[7:33:37 PM]

I might add psw has been working hard to try to help with roadway improvements and did come forward with some ideas about how they could help. So at mf-3, that's a proposal on the table. There's only one other mf-3 lot in the area. So that still causes some concerns for the neighbors, but it -- but their concerns are somewhat offset by the set that these funds would help to improve road conditions. So I lay that out there. I will not -- I cannot say that we have agreement on mf-3. I can say that -- and I'll let the folks that are involved speak for themselves, but my understanding is that the neighborhood could probably live with that, although they don't like that; they would much from he ever the mf-2. But the balance for them is they do get some dollars to help with roadway improvements. I'm not certain I will let psw speak for themselves. I'm not certain if it works for them. So what I'm going to propose, I'm going to wait until after we hear from everyone, but if we're not in a position to move forward with mf-3, then I'm going to recommend that we stay with the staff's recommendation of mf-2, which allows 36 units, and while that doesn't get us dollars to improve the street, it's the best option that we have remaining to minimize the impacts on an already overburdened neighborhood and road. So I will wait to make any motion till after we talk to folks, but I wanted to let y'all know that there's a lot of conversation that's been happening, a lot of good faith by all involved, but the best that I think, from my perspective, that we can come up with is this mf-3 at a cap of 55 that would provide some dollars to help with the road, but again, I cannot say that everyone is on board with that.

>> Mayor Adler: Okay. Let's go then to the public testimony. Is Kim Johnson here?

>> Kitchen: Do you want the staff to lay this out first? They can explain their position.

>> Mayor Adler: Okay. We can do that. Hang on a second.

[7:35:38 PM]

Let's let staff do that. I thought you had done a really good job of laying out the issues. Staff, lay it out.

>> Thank you, mayor and council. I'm Greg Guernsey, planning and zoning department. The case is located at 2413 Thornton road. It's approximately 1.7 acres in size. The staff recommendation was for mf-2. We thought that was appropriate, given the land uses and intensities around this to the north and south as existing mf-2 zoning. The property today is a commercial zoning that dates back many years and use is a restaurant supply. To the west of this tract is sf-3. The planning commission did move forward with a different recommendation that was more intense than what staff recommended. They recommended mf-4 with a conditional overlay limiting the number of units to 70 units, wide opening west oltorf to allow one inbound lane for west oltorf and two out bound lanes from Thornton road. The installation of a pedestrian hybrid beacon, on west oltorf, for a north-south pedestrian access. To provide a sidewalk on the west side of Thornton road from the subject property all the way out to west oltorf street. And they recognize that the applicant is committed and to strongly encourage their participation in our S.M.A.R.T. Housing program, where 10% of the units would be available at 60% mfi for 40 years. So that's generally where the commission is. Again, staff recommended multifamily, given the constraints of the area and compatibility and land uses, that's what we thought was appropriate.

>> Kitchen: I have one question. Just to clarify, Mr. Guernsey, on the planning commission recommendation, it was -- it included those -- it's with the condition of those improvements to the roadways that you just read out.

[7:37:38 PM]

>> That's correct.

>> Kitchen: But my understanding is that the total cost that was estimated for that traffic mitigation was greater than the amount of dollars that would be generated under -- for any of these -- even for mf-4.

>> That's correct.

>> Kitchen: Okay.

>> I think there's some cost estimate in the memo that was helped by the staff that's in the backup material.

>> Kitchen: Okay. Thank you.

>> Casar: Mayor, I have a really quick question. Mr. Guernsey, you may not have these on hand, but if you could get them to us maybe by the end of the testimony, what the -- what the existing amount of trips that could be done under cs versus a planning commission's recommendation, versus mf-2, I think would be -- would be helpful for -- or the number of --

>> Kitchen: This has some of it. Some of what you asked for, not all of what you asked for.

>> Casar: Yeah. I think what is currently entitled cs versus these, would be helpful.

>> Okay. Thank you.

>> Casar: Thank you.

>> Mayor Adler: Okay. Mr. Johnson.

>> Usually the applicant goes first. I'm okay with this --

>> Mayor Adler: No, the applicant should go first.

>> We weren't quite sure so we will have an order for ourselves because instead of mf-2 -- I'm sorry, I put it wrong.

>> Kitchen: That's okay.

>> Mayor Adler: Okay. If you have an order you want to use, you should give that to the clerk so that I have it. If you'd give the clerk the order, that would be helpful. Mr. Coleman, you're the applicant. So Mr. Coleman, you have five minutes to be able to open, but you also have some donated time. Is Evan Gill here? Is Sandy McElroy here?

[7:39:40 PM]

Okay. What about Chris Juarino? So I have six, plus your five, so I have eleven for you, Mr. Coleman. Eleven minutes. I'm sorry?

>> [Off mic] I'll be done in eight minutes, sir. Thank you.

>> Mayor Adler: Okay. I had two people giving you three minutes each, that was six, plus your five --

>> I'll try not to use them. Thank you.

>> [Off mic]

>> Mayor Adler: I'm sorry? So this was -- okay. So that the clerk has this correctly, Mr. Coleman, you have five minutes to speak --

>> I'll be done in eight minutes.

>> Mayor Adler: Evan Gill is donating time. Sandy McElroy is not and Chris is not.

>> Can you start my time? Thank you so much. At last, I want to tell the story of this case and clear up, despite an enormous amount of conversations that have taken place around this, I'm still hearing some things that are not necessarily, I think, accurate, to it rate what councilmember Kitchen said, it is not accurate as I've heard from several of the AIDS that we had reached a deal. That's very much not the case. I want to talk a little bit about how this case came about, see if I can. Yes, first of all, I want to locate the case, where you can see there, the long flag lot. This site sits far away, pretty far away from any multifamily -- excuse me -- any single-family. It's got some industrial in front of it, some mf-2. The houses along Thornton are quite a long way away. Even further away are the single-family across the tracks. So please place that concern firmly there in your minds. So here's the story of this site. PSW bought this put this under crack. It's been a long time now, 2013, at 2013 prices. And originally, they wanted to do -- looking at the lack of office in that area along South Lamar, they wanted to do some commercial in their portfolio.

[7:41:47 PM]

Last March many of you will remember that there was a similar zoning case on an adjacent property. The applicant wanted CS-MU. It went very, very badly. And during that time, we were observing this. PSW was watching this unfold. Ross Wilson, who is here with the applicant and is going to talk to you in a little bit, and I, together, went to the partners -- and please, councilmembers, it's very important, we went to the partners and said, guys, Thornton has too much traffic on it. It's not a good street and we need to rethink our product. You've got this site under contract, and this is very important. You have another apartment complex coming in that will be finished sometime in early 2017. Why not with down zone this property, why not down zone this property? You've got those two multifamily units right next to each other. You'll capture some economies of scale. It won't be as big of fruit but it'll be a lower hanging piece of fruit and you can capture the economies of having the other apartment complex before. So partners of PSW, what would you trade me for a 75,000 square feet of office? You know you've got this thing sketched out, 826 trips per day, 90% impervious cover, probably 55 feet in height. You know, what -- what would you trade for me? What would you give me if we down zoned the property? And their answer was, with or without the affordability, I'm like with the affordability, 10%, built in, 60% mfi, not 80, do it co, what -- just bake that in, right now. And their answer was 70 units. And I made a mistake. I should have done the stupid developer trick of, you know, coming and saying, oh, no, that's -- but I've been a policy aid, and I'm really not going to do that to the eleven of you. So consistent from the very first day, since the day we got that answer from our bean counters, we have said 70 units. That's stuck with us throughout the entire conversation. We've given a lot of things and I'm going to go through them. Let's look at the benefit of mf-4 co.

[7:43:48 PM]

The benefit I didn't list, most obvious, is housing. The area needs housing and these are not fancy apartments, there's no granite, no gymnasium, no swimming pool, just good stock for people to live in. First of all, the cap units is 70. I've told you about affordability. Look at the drop in trips, to 548 trips per day, reduced by about 40%. That number has changed a little bit as we got deeper into it, and I thank councilmember kitchen for the opportunity to have more conversations. If anything, one thing definitely came out of our small area vision plan, we do have a lot more information and that is appreciated, councilmember, and we do appreciate that. Substantial reduction in impervious cover. You know, the neighbors -- the problem with this case is that we agree with almost everything the neighbors have said. They said we're worried about flooding. We said great, let's reduce impervious cover. They said we're worried about traffic. Great. Let's reduce the traffic. We're worried about the prominence of commercial on Thornton, which we think should be more residential. Great, let's make it more residential. So we think you are setting a precedent here tonight, and we think it's a good precedent. We think it's a chance to electric I am that street back into residential where we think it belongs. Under your current proportionality, it actually gets a little more money at rough proportionality than you would from the larger cs project at site plan, which would be pro rata. Your new ordinance will change that a little bit. We think you'll get a little more starting with the site plans but certainly not enough to impact -- on to make a difference in this equation. So, council, please, with this zoning case, you are getting a -- you are getting affordability and a place -- and livability at a much lower traffic for the same price to go towards the infrastructure. We'll look at those costs. Ross is going to walk you there you the costs in detail. I'm going to touch on them. Some more good things came from our Charette. We kind of learned in much more detail that really the big driver, the number one thing the neighbors wanted most was the turn signal, was the turn lane. The turn lane was everybody's -- almost everybody's second choice, sidewalks being built as we speak, and the parking is something that staff has told us that we can accommodate.

[7:45:53 PM]

So the big give there, the big get for the neighborhood and for us -- remember, we have residents on the street as well -- is the turn lane, and the cost -- we share these estimates with your staff, pretty much -- pretty much comes out. Nothing in this case is going to give you enough money, as councilmember kitchen was saying, we're not going to get -- we're not going to get a signal, we're not going to get a crosswalk, we're not going to get a lot of things on the list, but the big one, that turn lane, that 200 feet of turn is something that this developer can build and bring it in right at what rough proportionality would give you. So that's a stroke of good fortune there. Another advantage of this case is that during the Charette -- during the small area visioning process, the neighbors identified some things that they absolutely did not want to live with and you can eliminate those things now with a stroke of a pen. Mf-4 co will eliminate all the obnoxious uses the neighbors called out during the Charette that they absolutely did not want to live with. So we feel there's another precedent you can set tonight that will allow us to do this. Infrastructure improvements, Ross Wilson from psu is going to walk you through those. But as I said, 70,000 square feet of office is going to yield you about 178 K under cs at site plan. And there's another thing. If you wait at site plan, this money is going to go into the city coffer, whereas he's got to build the improvement before he gets the certificate of occupancy. We're in pain, or we Boone be here, this is a problem, get it now before he gets the certificate of occupancy. You don't get the piece of the rock if you wait at site plan. It goes into -- escrow and the have real term, it goes into the hopper, the kitty, there's no certainty is to when you hit the jackpot and will be able to pay for the next at the time of improvements. We think this brings certainty and money. Benefits of mf-4 co, I mean just compare the benefits, taking the street away from higher intensity, we're reducing the trips per day.

[7:47:55 PM]

We're giving you the center turn lane and we're giving it to you early. The reduction of impervious cover, because flooding is very much a problem there, and you're getting as much S.M.A.R.T. Housing as we can accommodate at 60% mfi, for 40 years, the life of the project. We feel like in this negotiation -- this is not a negotiation. This is part of psu's brand. They did it next-door without -- they did it next-door, voluntarily. Happy to do that. It's like tithing for urbanists. We want to bring affordable care act to the city and we want to bring -- you know, we want to bring just good standard housing. All right. And I'll appreciate it. I don't think I've hit my eight minutes so I'll certainly take any questions if you have them.

[Buzzer sounding]

>> Mayor Adler: That's your eight minutes. Any questions? Thank you. I think we're set.

>> Thank y'all.

>> Casar: Mayor, I have a quick question.

>> Yes.

>> Casar: Could you explain exactly --

>> Could I have that back, please? Yes, sir.

>> Casar: Your tithing that you explained on the voluntary affordability program, we've gone through a few cases where there isn't a density bonus that writes that into the ordinance, but where the applicant brings that forward voluntarily, how can you -- can you describe for us a little bit more why we should believe that if this zoning is granted, that that building will be constructed with affordability characteristics?

>> Well, first of all, this developer would be -- this is a local developer, they have other projects underway and I would think they would be very sensitive of backing out of this. They did it on the first project, and now they're going to do it on their adjacent project. It's difficult in the state of Texas to get a piece of the rock on this. There may be private instruments available which we need not discuss here but which we'd be amenable to should that come to pass. If you have a preexisting density bonus in place, and I know there are a number of those being discussed right now, that solves a lot of problems. You don't in this case. And the existing, preexisting -- the preexisting like, I call it jumbo housing where you take mf-2 to mf-6, is not available to brownfields.

[7:50:02 PM]

It is only available, excuse me, to green fields who have never had any type of development. Staff made a determination because this site had a junk yard on it, it counted as a developed property and, thus, was not eligible for the S.M.A.R.T. Housing kind of jumbo program. And that's fine with us. We don't mind matching the two products. We're also going to manage them together and that might give you some assurance that those instruments which we have to do on the first project, same front desk, same -- I mean because the two projects are being managed together, that might also give you some comfort that the instruments are easily in place and it's not something that's going to be forgotten about.

>> Casar: Thank you.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Mrs. Kitchen.

>> Kitchen: Let me just ask you one question for clarification. You know, I laid out earlier that the neighbors had come -- that that particular neighborhood association had tried to come forward with some middle ground at mf-3, and I laid that out for the folks on the dais. Can you please help me understand why psu cannot go with 55 units at mf-3?

>> Councilmember, we -- we have -- we have a -- we have entitlement by right to a 75,000-square-foot office.

>> Kitchen: That was not my question.

>> And, and the answer to your question is, it's not economically viable for us -- we've reduced the project by over half. We have shrunk this project down by over half. And there's a point at which we would just go broke. And we're getting -- I mean, you know, to be on that point -- first of all, it would wipe out the affordable housing and thus our brand, which psd is very eager to cultivate and maintain. It would wipe out the affordable housing right there, and what would you gain for it? 200 trips a day, maybe, would be the difference less? So it would make the project non-viable. We'd stick with the cs. You would lose everything, and you really wouldn't have gained anything, much, fewer than 200 trips per day, and I need to count that on your spreadsheet so you can check my math.

[7:52:06 PM]

Does that answer your question?

>> Kitchen: Well, partially. The comparison here is not between cs and what we're asking for in front of us. What -- the question for us is what is the appropriate level of development, given constraints on Thornton road. So that's why I ask -- you know, the 55 units gives the -- you know, it is -- it's still going to overburden the road. It still almost doubles the burden on the road. But because it can pay for part of the changes, it does mitigate that somewhat. So I was simply asking, so that we can understand the constraints that psd is under, I was simply asking -- so are you telling us that psd cannot afford to build 55 units? Is that what you're saying?

>> Yes. Yes. We've said that for many months now.

>> Kitchen: Okay. I'm just wanting to clarify. Just wanting to clarify.

>> We can't shrink the project more than half.

>> Kitchen: My comparison is what you can do, you're saying you can't do that, and that's what I was asking.

>> I appreciate that.

>> Mayor Adler: Any further discussion from the dais? Questions? Thank you, sir. Next speaker is Gail Buehler -- oh, no, you finish the presentation. What's your name?

>> Ross Wilson. Psd. Thank you very much for taking the time tonight. As Glenn has set forth for you guys, and councilmember kitchen has spoken about, we have worked extensively over the last five months to try to fix some of the concerns that the neighborhood has over the development here.

[7:54:12 PM]

As we've mentioned, this is an ask here tonight to down zone. We do think it's appropriate to compare to the cs zoning, which are the existing entitlements for the property. And so as we look at this and look to downzone this property, it was important to us to take into consideration what the constraints were and to address some of the concerns. So some of those concerns, to touch on those briefly, or the infrastructure impact, we've talked about, and I'll get into the numbers a little bit more in depth. The scale of the project, there's some concern that there might set a precedent of scale along the street. And the third is the overall precedent of the zoning and the density that that may -- precedent that that may set. So to get into the infrastructure, this is the widening of Thornton road. This is expanding the road for 200 feet south of Olton to allow for a turn lane, both to the left and to the right, and to expedite exiting this neighborhood here on Thornton road. We've met with -- we've met with the infrastructure folks. We've put together detailed analysis and gotten with our subs to ensure that we can do this improvement, and we can do this for about \$162,000. As councilmember kitchen mentioned,

the 55 units would produce enough proportionality to do the \$162,000 in the improvement, but that is - that requires psw to do the work. The city's estimate to do this work for themselves is about \$275,000. So in no scenario, if we're just doing a rough proportionality or share, does it produce enough to the city to do the widening I have the let alone the signals or other improvements. So the benefit to the neighborhood, to Thornton road, to the residents there, is not just to put the money into the fund but that we will take the time to put these infrastructure improvements into place prior to any occupancy on the 2413 project.

[7:56:33 PM]

Second, speaking to the scale -- and I'll do this briefly, this is showing the existing Thornton 1 project, Thornton apartments project there. This building, to give you guys an idea, the flag lot for the new project is on the top of the drawing here behind the sprint building. That building is about 170 feet from Thornton road. It would be --

[buzzer sounding]

-- The same height as this building, but the finished floor elevation would be about ten feet lower so the building from Thornton would be about ten feet lower. From the standpoint, we've spoken a little bit about there's a potential to set a precedent. We think it can be a beneficial precedent, limit units to 40 units per acre, and set the precedent for the developer to do the improvements, not just pay into the fund, we can set a precedent for there to be an affordable component to these projects, and these other cs properties that move forward in the future.

>> Mayor Adler: Thank you. Thank you. Okay. Now we'll go to Gail Buehler.

>> Good evening and thank you for your time. I live on Thornton road, and I guess the thing that makes me unique here is something you don't see, but I have a visual impairment that makes me legally blind. That means I don't drive a car. I have to walk down Thornton road to catch the buses to continue to have an independent life. Thornton road is incredibly narrow. That means that when I'm walking down the street, I feel like I'm taking my life into my hands many times. I try to walk down the -- there are a few spots where there are sidewalks, but then the sidewalks end, and I'm walking along, you try to walk along the grass, but honestly, it's impossible because there are trees, there's bushes, then there's a car parked on the road.

[7:58:36 PM]

So you end up walking in the middle of the road. It's already really busy right there, and the cars coming at you, I can't see them right away, and so sometimes I feel like I have to jump out of the way. It's -- it already feels dangerous. And if I -- and then I cross Thornton road, and I have to really stop and think and listen carefully to be able to cross the road, but there's all kinds of traffic from oltorf, and so it's actually somewhat difficult to gauge the cars coming, as I cross Thornton road as well. So that's with the traffic the way it is now. The thought of having that much more traffic on Thornton road really terrifies me. It's a matter of my daily life and being able to walk down that street and feel a certain level of comfort, and to be able to cross the road without feeling like I have to worry about feeling like I'm playing frogger, I guess, for more lack of a better way to say it. So I ask that you limit this to mf 2 because I don't believe that we can handle the extra traffic. Thank you.

>> Mayor Adler: Thank you very much. Next speaker is rob Schneider. Is Doug young here? Is Chris -- I'm sorry, is Brian Chapelle here? Okay. You have nine minutes if you want to take that much.

>> Don't think I'll need that. Thank you, mayor and thank you, members of the council. I'm Rob Schneider. I'm a resident of Thornton road, also a member of the south Lamar neighborhood association. I've been working and I want to say great appreciation to the staff for moving the Charette process

forward. It's a very useful discussion and helped us and everybody narrow down on the important issues.

[8:00:40 PM]

As you've heard Thorton road is a little street. With generally single family and some condo development and some -- a little bit of multi-family. It is also the primary in and out not just for the residents of Thorton road but for a lot of residents who live back in the neighborhood. There are other ways in and out, but they're not as direct as Thorton road. So in addition to the neighbors who actually live on Thorton road, there's a lot of traffic from the neighborhood, from the neighborhood and back. As you heard from my neighbor Gail, it's a fairly dangerous street now for pedestrians. I ride my bike to work. It's a fairly dangerous street for bikes. To some degree, that problem gets addressed by the sidewalk that psu has pledged to build already with its development that's already built, but the traffic on the street is -- as you've heard, there's a lot of traffic on the street, and I think as Kim will talk about, the intersection has a very poor rating when it comes to the traffic particularly at rush hour. So I think the development of the sidewalk and some other discussions that have been going on about single-side parking and so forth will address one critical issue, but it sort of gets us to even. Psu's development that is now open down the street is adding an additional 104 units, and I understand there's approximately 136 on the street. So it's a significant increase, and development at the level of mf-4 adds that many more units.

[8:02:46 PM]

And I think from my concern as a neighbor sets a precedent that for the remaining undeveloped pieces of property on the street that is simply too much for little Thorton road. So we are supporting the neighborhood's proposal of mf-2 level development. You know, we know that Austin is growing and that people have to go somewhere and we're not opposed to that. I think it's really more a question of what is the ability of a little street like Thorton to handle that level of development. So appreciate your time.

>> Mayor Adler: Thank you. Is Kim Johnson here? We have some people that donated you time.

>> How much do I have total?

>> Mayor Adler: Let me check. Is Patricia sprinkle here? Is racafette lavalet here?

>> She had to go teach.

>> Mayor Adler: Christine Gilbert? And -- I'm sorry, what?

>> [Off mic]

>> Mayor Adler: Hang on a second. Rita Ross? Is Rita Ross here? So I have two people. Is there a third person that wanted to donate time? Would you come up and give the clerk your name.

>> Yes.

>> Mayor Adler: So I have three people plus your time. I have 12 minutes. That gentleman needs to go up to the clerk.

[8:04:48 PM]

>> Do I wait?

>> Mayor Adler: No, no. You can go ahead and start.

>> Okay. Good evening. I'm Kim Johnson, and I'm with the south Lamar neighborhood association and I do want to talk to you, thank you for your time. We have been working very hard. I want to recap some of the history and some of the issues of Thorton road. Thorton road south Lamar have documented I was insufficiencies. Some of you may be familiar with the south Lamar mitigation plan which addressed

problems due to infill development not being adequately supported. There's limited access, which I talk about. You just heard about life on Thorton. The other thing I want to put in perspective is we have -- Rita Ross, other people from thunder studios where you -- Thorton road studios, sandy, both from Thorton road studios, it's a very unique place we're trying to preserve something we consider very special, a mix of arts, a mix of residences, and a mix of smaller businesses. We were happy to engage in the small area vision plan and I'll talk about some of the impacts that have later on. Rob had mentioned the Thorton road access. Let me be very clear the green line you're talking about is the only thing that the transportation analysis really takes into place. We are very concerned with the adventive ways other type of throughput, as rob said, if you navigate, you've got bridgeway, the increased development indent will not make it out Thorton. It's gonna go on a 24 to 26 wide street going out to Kinney, not to mention what's gonna happen with the south Lamar redevelopment project. Neighborhood residents not living on Thorton must use Thorton. To a large extent. Some of you have seen this before. This is the area where the road widening happens. This is a common occurrence on Thorton road.

[8:06:49 PM]

This is what traffic looks like. This is what Gail has to walk through occasionally, okay? This is not a Normal situation that most people have to face. Flooding where this property is and drains into you're seeing bridgeway drive. Flooding is still a very big concern. We think the south Lamar mitigation plan has done better planing on Bouldin creek but that really only addresses the north part. This property drains into the south part on bridgeway and you see what happened October 21, 2015. So, you know, here, again, are the infrastructure deficiencies we talked about and just to keep in mind, you know, in the dwelling units, as rob tried to mention in 2000 there were 70 dwelling units. In 2016 there were 136. With the psw1 police report there's a 70% increase now. The traffic you saw there's a 76% increase just with the first property. This proposal at 70 units would increase it by another 30%. So we have identified storm drainage in about 2013, projection for the neighborhood as far as that north part of Thorton road, maybe it's gonna be completed in 2020. There's limited sidewalks. There's an east side sidewalk that's pending that is in one of these types of cross-way -- it doesn't seem to be getting done, and as councilmember kitchen mentioned, it's bounded by a railroad track which has up to 20 trains per day. I want to mention something specifically and take some exception to what psw said. The road widening, okay, and I could be corrected, the road widening takes the current intersection from a grade of F all the way up to a grade of D. Okay? Are we really proud offensive a grade of D. The issue of the road widening is the most achievable improvement. It does not solve a problem weapon we are rather incensed even with the south Lamar mitigation plan we have to be begging for improvement for a development that should have been done in the first place.

[8:08:54 PM]

That is very frustrating with us. I know psw is frustrated with it. When you have a neighborhood that it's clearly a problem that should have been addressed and recognized we'd like some relief. Let's talk about cs. It's a mistake. These properties were annexed into the city with a warehouse. I know they have all the rights. I know they have that. What's the right thing to do? There's a long history in the prior Thorton road case where we [indiscernible] Case by case by case thousand came about. Great. They have the rights. What's the right thing to do? What's safe for the residents? What's the right level of scale that a 30-foot wide road can support? That's the question that's before you today and that's the issue where we stand up, starting with an mf-2. The vision statement. Okay? There is limited capacity for this road even with improvements, and that goes to the pedestrian beacon or the traffic light. We're looking for compatible land uses, right? If you look at the scale I'll show you in just a minute, we also are

willing to take diversity of uses. We love the city. They're our neighbors. We want to keep that diversity in Austin. We want to match it to the existing scale and we have infrastructure priorities. The priorities are the traffic light and we would also like to have other fixes for the south exit of Thorton road. We want to preserve the creative arts uses and what we originally thought about is a -- we're told in the process is there was no long-term fix fundamantallable by development. So within this we focus on a couple things has a neighborhood, compatibility and diversity, Thorton is a collector, not a corridor, increasingly what we tend to see is Lamar style development. Here's what we're told in the development process, and he's right, psw has a nice thing where they negotiated with themselves. They negotiated well. I need 70. I need this. The adjacent site is mf-2. The let me tell you our perspective as a neighborhood.

[8:10:54 PM]

You've got a big unit, mf-2. Move 10 feet away it has to be mf-4. I have all the efficiencies of a common unit, all the efficiencies they're talking about. It automatically has to go from two to mf-4. It doesn't make sense when you have a limited infrastructure capacity, okay? We also want to make sure the precedent doesn't wipe out the studios. We were hearing that again if that happens. When you take all these things involved we thought that mf-2 was the right scale with staff. With all that said, we went to the maximum that we thought we could occur and somehow psw is so concerned about the street that if it doesn't get exactly what they want, exactly the profit margin they want they'll take their ball and go home. I'll do the road but only if you give me my profit. These neighbors are suffering now. We came up with a compromise. We ask psw to compromise as well. Here's what the scale looks like. Again, this is a unit you saw, the power meters on the front. I'm showing you the house that wasn't pictured right to the south side of that. That is Mr. Ansil's daughter play house, okay? The scale of mf-2 towers over the building on the flag lot going right behind that. We are very concerned long-term about scale. Psw has said this is an mf-2 property, which is supposed to be what -- roughly 26 units per acre. By the time they develop it, they said in the strep process their effective density is 35 units per acre. We're small neighbors, realtime jobs, we all know what we're gonna be getting. Finally we tried to present a consistent vision for a very difficult area. We life the mifys, we think staff was right with two. We've come more than halfway in considering a proposal so it's hard for us to understand why for a couple units psw, who has one hunt -- they're gonna go back and tell 104 of their residents I didn't meet my profit target.

[8:13:05 PM]

I had to have exactly this many units so I took my ball and went home and I increased traffic by that price. That's the trade-off we have. It is not my rights. It's what's right for the community. It's right for their residents. It's what's right for the people that live on the street.

>> Mayor Adler: Thank you. Is -- I guesses that everything that wanted to speak. We are back up to the dais.

>> Kitchen: I'd like to make a motion.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Okay. I am going to --

>> Mayor Adler: Sorry, the applicant gets a chance to close.

>> Kitchen: Oh, I'm sorry. Go ahead.

>> Thank you very much. I'd like to just touch on a few of the points that were brought up by the neighborhood. I'll start with that building height picture because it's fresh in minds. The building we're showing there on the Thorton road apartments, the existing building is a little over 37 feet tall. Maybe it

was -- it was shown next to a single family three dwelling which has a building height of a max of 35 feet. So while it is a little difference in scale, it is not a significant one when you look at the two zonings side by side. Two, when we talk about the street rating, there is definitely some improvement that needs to happen. We want to do everything we can to improve Thorton road, but the fact of the matter is in Austin right now, probably every street and every intersection in south Austin is at above capacity and graded at an F or a D or something along those lines. I hope you will ask Austin transportation department to come up and talk a little bit about all of the investigation they've done in the Thorton area. They did some studies on the cut-through traffic through bridgeway. They did not see significant cut-through there as we found during the small area vision plan.

[8:15:06 PM]

So we are doing what we can to address the issues along Thorton, the widening should be a marked improvement for exiting out of the neighborhood. The sidewalk we are about to be building on the east side of the road will provide a great deal of safety for pedestrian use, and the 70 units and needing the 70 units to make this project work, we were very up front from the very beginning. We have absolutely come to the middle on that. I know we have not come down in units because we do need the I'm not sure for the project to work but what we've done is add cost to that, we've add the construction of the road, we have come to the table and we're bringing the affordability not just offering the affordability at 60% mfi for 40 years but we committed to do all 2-bedroom units for those seven units. So we have been making moves towards the mulled from an impact to the project standpoint. One additional cost that I just want to make sure that everyone is aware of is that while the management and our costs are baked into the \$162,000 to do the road widening what that doesn't include is the opportunity costs for our copy to manage those -- company manage those, meaning the time they spend managing the improvement, which will be arduous to do the design, bidding, oversee construction, make sure the inspections go well, all of that time is time our employees will not be able to spend on another project here in Austin to add housing to the housing stock.

>> Council, we've done the very best we can with the situation dealt to us to address flooding and to address traffic. I think we're showing a substantial reduction and to bring the affordable housing that I've heard all of you say you want.

[Buzzer sounding] We need to survive second reading. You can all vote on this again in two weeks but tonight we need your support.

[8:17:07 PM]

We need your support. We need to see our goodwill rewarded and we would like you to support us for mf-4co if we're able to move forward.

>> Mayor Adler: Mr. Casar.

>> Kitchen: I'd like to make a motion.

>> Casar: I have a question I think for the person.

>> Casar: Just to clarify that last point. So because things have been offered up, the two-bedroom units at 60% mfi and the construction of the turn lane, is that -- is that encompassed within planning commission recommendation or is that just mf-4co with those conditions? What has changed between planning commission and now to enable that? Does that make sense?

>> Yes. That is -- that is not written into your -- that's not written -- you can't write that into your co but that is the enshrined conversations. Those numbers have remained constant, yes, 60% mfi. You know what? We added the two bedrooms later. The mix of two bedrooms at co. Came afterwards. We hadn't committed to the two versus one bedroom at that time. We'll certainly commit to it tonight.

>> Flannigan:

>> Casar: So a planning commission recommendation enables the zoning that is required for y'all to maintain that commitment?

>> That is correct.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I would like to point out -- let me just point out one thing and then I'd like to go ahead and make my motion. That the planning commission recommendation cannot be carried out because the planning commission only recommended mf-4 with conditions that cannot be met. The conditions were for a number of different traffic mitigation. Beyond what -- and I appreciate the effort that psu has made, but the recommendations from the planning commission cannot be met, and they're not being met with what's proposed on the table because the primary difference there is the intersection, what needs to happen at the intersection.

[8:19:12 PM]

So I'd like to go ahead and make my motion. Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: Okay. Again--

>> Mayor Adler: Hang on one second. We'll get caught up in a second.

>> I'm sorry. I would like to --

>> Mayor Adler: Hang on a second. Let her make the motion. I'll call you up in a second.

>> Kitchen: Okay. First off, let me just repeat, again, that I really appreciate the efforts that everyone has made. And so we're here discussing it. It's now back to the council to figure out what to do here. I had really hoped that we could -- that we could have a meeting of the minds of the mf-3. That is a movement from mf-2 by quite a bit, almost 20 units, 19 units, I guess. And it's also a movement on behalf of the impact on the street because it doesn't fix the problem. It takes it from an F to a D, but there's -- but the neighbors have been willing to do that. So I think that everybody here has acted in good faith, and I appreciate that. And so -- but we're not at a place where we have agreement. We can't agree on mf-3. And so I'm going to move -- this is second reading. I'm going to move that we move forward with the staff recommendation of mf-2, and that's on second reading, and so that's my motion.

>> Mayor Adler: It's been moved to approve on second reading only nine staff recommendation mf-2. Ms. Pool seconds that motion. Discussion?

>> Garza: I have a question. I thought I heard either mf-3 or mf-2, the developer said they would just build the commercial.

[8:21:12 PM]

Is that correct?

>> Mayor Adler: Would you come on up to the microphone?

>> Yes, for the multi-family project, the mf-2 and the mf-3 with the co55 are not projects we can move forward with so we'd have to use our existing entitlements.

>> Garza: Which is a larger commercial building?

>> Yeah, the plans we've looked at the conceptual drawings we've looked at is office space about 75,000 square feet of office space.

>> Garza: Okay. And then I -- thank you. And I still -- I don't know where I am yet, but I totally understand that the neighbors' perspective even commercial is probably not appropriate for this area too, but I always try to think practically speaking and what would other options be and it sounds like

another option would be -- or the preferred option for the neighborhood would be to down zone it to a zoning that they felt was more appropriate and less traffic, but when somebody buys a piece of property, they're not gonna down zone it because it would make it less valuable. So, anyway, I just wanted to make sure I understood all those different scenarios.

>> Kitchen: Could I make a statement?

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I think that -- there's a couple of other things to remember about the area. Just because it's office space by right doesn't mean the market will bear office space. Remember where this is. It's -- you know, it's back from a major road. It's almost in the middle of a neighborhood. So I think what we have to focus on here is what's the appropriate density -- multi-family is important but what's the appropriate density here and what's being asked is there is a mf-2 right next -- it's psw's mf-2 right next to what's being requested at mf-4.

[8:23:13 PM]

So I do share some of the questions that the neighbors expressed. If you were able to build an mf-2 right here, why can't you build mf-2 right next door or at least mf-3. Particularly when there's not that much difference in units between the mf-3 that's been proposed and the mf-4.

>> Garza: I would say that's a great point. I don't know if y'all spoke to that. Can you explain why you were able to build an mf-2 project right next door?

>> The mf-2 project next door was built under the smart housing guidelines and allows for the affordability but with a density bonus. So the property next door is from a developable air standpoint is about 35 units per acre. And the reason we were able to build 35 units per acre there and asking to build 40 per acre next door is the property was purchased about four years before that and the cost of the land was significantly less than what the property that we're trying to build this second project on.

>> Garza: Okay. Thanks.

>> Casar: Mayor.

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I'd like to make a substitute motion for mf-4-co and I'll explain that if I get a second.

>> Mayor Adler: There's been a motion to do mf-4-co. Is there a second to that? Ms. Garza seconds it.

>> Casar: So I think that there is -- I think there -- the point is well-taken. While this currently could do over 800 trips and mf--- you know, a variety of mf-4 to mf-2 would reduce that significantly, if -- for me if the choice is between mf-3 and mf-4, if the choice is between 55 units and 70 units but the 70 unit proposal which is my substitute motion brings you 10% two-bedroom units at 60% mfi understanding that's not including the density bonus program but it is a characteristic of this property while getting you the \$191,000, which is a more significant contribution on the traffic front, that's my preference.

[8:25:27 PM]

That mf-3, even if mf-3 were built, I don't know if it would or wouldn't, they're saying they wouldn't, but regardless if they did build it you're talking about 55 units without any income-restricted units and mf-4 you're talking about 15 units more with the 10% of the units being affordable two bedrooms at 60% with the increased traffic trips. That's just the reason for my preference of one over the other.

>> Kitchen: I do have one question. Has psw bought this lot yet?

>> We are under contract and the money is hard. We close on April 15.

>> Kitchen: And so you close on April 15 so you have to close? Or can you get out of it?

>> We have a significant amount of hard money that would mean we would not -- lose that money.

>> Kitchen: Okay. Let me just go back -- all right. I've already made my argument, and that is that this road will not -- cannot handle mf-four and there's nothing that you can do so it will. Mf-3 was a compromise that I wish we could have met and there's lots of reasons for the mf-2 recommendation that the staff has made. So I'm sticking with mf-2.

>> Mayor Adler: What is the difference in height, mf-2, mf-3, mf-4?

>> Kitchen: The difference in units, you mean?

>> Mayor Adler: In height. Is there a height, Jerry? Can you speak to that?

>> The mf-2 would be limited to 40 feet.

>> Mayor Adler: I'm sorry?

>> The mf-2 would be limited to 40 feet and mf-4 could go up to 60 feet.

>> Mayor Adler: What about mf-3?

>> I'd have to look that up real quick.

>> Mayor Adler: Also 40 feet?

>> I believe it's 40 but I'll double-check.

>> Kitchen: It's still 40.

>> Tovo: yeah, according to my zoning code, it's 40.

[8:27:29 PM]

>> Which you have right in

>> Mayor Adler: front -- of you.

>> Mayor Adler: I see it. Sorry.

>> I got cut short on my presentation but we've offered and are willing to limit the mf-4 height to the m2 height of 40 feet. As I said, the building is built next door that we intend to build on this property, about 37, 38 feet all and that's all we intend to build so we're okay with the 40-foot height limitation on that co.

>> Casar: I'd incorporate that into my motion then if we go mf-4.

>> Kitchen: The other point I'd mention is there is no other mf-4 lot in this area. It is really out of proportion to what is in this area.

>> Mayor Adler: Is there any objection to Mr. Casar changing his motion S.O.S. So as to limit this to 40 ♪♪ hearing non, that's part of the Casar motion. My difficulty with this is the same one I had on the other Thorton road case, and that is that this area seems to feel like it's in the middle of a neighborhood. And we've talked about trying to pick up additional density and for me my kind of rule of thumb is that to the degree we're going to do that we should be picking that up at the corridors and in the transition runs, corridors -- & this -- because of the fact that it doesn't have the backup or the transition to the corridor, this -- it just feels like it's in the middle of a neighborhood. So that was my basis for the earlier decisions that I had made on the Thorton road cases. Further discussion? We have a motion. We have an amendment that is pending, been moved and seconded. Is there further discussion on the amendment?

>> Casar: I guess my last point on this is that, you know, if nothing gets built there and it remains a junkyard or whatever, then maybe I'm proven wrong and if it ends up being an office building which could generate more traffic -- that could end up generating more traffic than this, that road still wouldn't be able to handle that and we won't have helped any by not changing the zoning.

[8:29:57 PM]

And I don't mean that rhetorically or snacky way at all. To make clear that's the challenge before us, even if we're saying we're not trying to add that housing density in the middle of a neighborhood and

indeed this is already entitled for and whether or not the market will bear that and whether or not that will happen of course is not up to this body.

>> Kitchen: The other scenario is that it could come back at an mf-2. So, you know, I don't think this is a comparison between commercial or nothing. It's a question about what is appropriate for this location.

>> Casar: I understand that. If it comes back as an mf-2 or mf-3 with 10 or 15 less units but without the affordable units, that would be unfortunate, but, again, that's just up to the way this ends up playing out.

>> Mayor Adler: Does anybody want to discuss this further? We have an amendment pending. Let's take a vote on the amendment. Those in favor to move to mf-4 please raise your hand -- well -- it's -- let's do the amendment. You end up in the same place. Because people still might want to be able to mend that so even if we took a vote on this it's not gonna amend it. We're gonna treat it like an management. Mr. Casar moves to amend it to go to mf-4-co. Those in favor please raise your hand. Mr. Casar, Garza. Those opposed please raise your hand. It's the balance of the dais. We're now still pending with the main motion. Therefore any further discussion? This is on second reading only?

[8:31:57 PM]

>> Kitchen: Mm-hmm.

>> Mayor Adler: Any further discussion? Okay. Those in favor of the main motion mf-2 on 1st reading only Mrs. Raise your hand. Those opposed. Those abstaining. I'm sorry, what?

>> Tovo: I missed the motion.

>> Mayor Adler: I thought that's what I saw. It's unanimous on the dais this moves forward with mf-2 zoning staff recommendation.

>> That's on second reading.

>> Mayor Adler: Second reading only. Let's call number 70.

>> Mayor, item 70 is c14-6-0131 for the property located at 3409 city park road to sf1, single family low density zoning, this is a 4.62-acre property located along city park road at the entrance to the Westminster subdivision. The applicant has as I said about four and a half acres of property. He's requesting -- right now there is a single house on the property. There's a recording studio to the north. There's an sf-1 zoning to the south. The 4.63 acres divided by the maximum of two units would be in compliance with the limitation of the lake Austin watershed ordinance. The applicant has a single division in process right now, however, he would like the option in the future to possibly resubdivide that. This case went to the zoning and platting commission and they were not able to come up with the votes forward to come up with a recommendation and staff recommends approval of the request.

[8:34:03 PM]

The applicant is here and there's one neighbor to speak against. I'm available for any questions.

>> Mayor Adler: Okay. Anybody have any questions of staff? Is the applicant here? Come on down.

>> You have three minutes.

>> Thank you, sir.

>> Mayor Adler: Actually, you have five minutes.

>> Five minutes, right,, yes, sir.

>> Thank you, sir. Good evening, councilmembers and mayor. As I said my name is Steven with Texas engineering solutions. We're the applicant's authorized agent for this project. I'm gonna go through a couple of quick background slides to try to fill in some of the case and what we're -- we've been talking about with the neighbors as well as obviously my client. As was mentioned by Jerry, we're obviously here for a rezoning case. A little bit of quick background. My client was actually attempt to go sell his

house and his three tracts of land when the Travis county realized that he did not have legal -- and obviously we now have to go through zoning because we're currently zoned Dr. This property does have an existing residence and also has existing utility services, water, wastewater, et cetera. Here's the plat currently in process. Just some information for you to have. One thing to note is that like I mentioned my client does have three tracts of land and he is consolidating them into one lot as mentioned we are currently zoned Dr. In talking with city staff. Our lot is right here the Dr to sf-1-co. We are attempt to go follow the adjacent zoning that is north to us like as mentioned by Jerry, we are not part of the subdivision across city park road, which are all 1 acre lots and zoned.

[8:36:09 PM]

We are on the south side of city park road and next to us is an sf-1 zoned-0 as Jerry mentioned which the overlay was too restricted. This is a little hard to read. I'll make sure you have it. It's something we've been sharing with staff as well as the neighbors at Westminster Glen. This exhibit is showing slope categories on the lot. As you can see obviously yellow, Orange to red the steeper the slopes, more difficult it is to build. On it of note is the twobacks we show, one is a 25-foot set back the mf would give us and the other comes with the rr designation. As you can see of note a potential second dwelling would be built or even a new house be built towards the north side of the property it gets pretty pinched at 75 feet or so and this is the existing situation as it is now. One thing to note is that this does not show the potential additional 20-foot right-of-way -- additional right-of-way that may be taken per the city transportation plan so I'm about to show you an exhibit that shows that. We add that 20-foot roadway request, that is a potential, will pinch our lot even further to about 55 feet of buildable. To wrap up real quick here's an aerial of the site. You can see across the street the Westminster Glen, they front on an internal street and have a rear setback of 25 feet. That's kind of how we met with city staff to match what they have off city park road as well with an sf-1 designation to have a setback of 25 feet. I'm here for any questions. Thank you.

[8:38:10 PM]

>> Mayor Adler: Any questions of the applicant?

>> Mayor Adler: No? Okay. Is Carol Lee here? Why don't you come on down.

>> Hello. My name is Carol Lee, and I'm a resident at the Glen lake neighborhood. I've been out there for a little over 20 some odd years and I know Bob and my my strobo have been there over 40 years. We consider them very good neighbors. We've worked with them as part of the neighborhood association to keep them informed. I'm sorry to see them selling their property and leaving the area, but I think we really need to look at how this property can be used. I know Bob agrees that it's very sensitive. It slopes off dramatically, and I couldn't catch the numbers that were on that slope map, but what staff -- at the condition of two dwelling units -- one dwelling unit per 2 acres, that's net site area. So if this is a 4.6-acre lot, there needs to be at least four buildable acres for that two dwelling unit condition to meet the watershed regs. So if there's less than 4 acres of net site area, then you're doubling the density that would typically be allowed either in the sf-1 or rural residential because that's one dwelling unit per lot, and I understand they're proposing to make one lot.

[8:40:11 PM]

Now, the concern is they can come in and subdivide. That application is not even approved so they could change it before it gets finalized. Just looking at it as flat land sf-1 would allow 22 homes, whereas rural residential would allow, like, four lots. And this property is not on wastewater, Austin wastewater. So

that aligns with the rural residential. Under rural residential than to shoehorn the sf-1 and try to console yourself with -- and he says that this property is not part of our neighborhood but [indiscernible] From my neighborhood we added Westminster Glen. It was designed to handle 366 living unit equivalents. Lcra bought it 2001, they added 55 taps, including 50 for phase three in the middle there that's striped and five across city park road, three for stow road and two for the music. After that we started having water problems, including dry fire hydrants. They said it would collapse our system. So it is important. A large bed and breakfast which would be allowed under sf-1, 2 large dwelling units if you're looking out there, people are intending to carve up an entire hillside for a 35,000 square foot home.

[8:42:11 PM]

We immediate some limits and those limits are better served by the rural residential zoning.

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> Alter: So does the applicant speak now? Or do I --

>> Mayor Adler: Yes. Well, that was the last speaker. You can close, the applicant can close. Three minutes.

>> I'll keep this brief. Thank you for showing up. This is actually the first I've heard from this lady or anybody. We've had correspondence from people with Westminster Glen, their president and vice president. This is the first I've heard of them so thank you for coming out. Mr. Strobo has an existing septic system, as I mentioned he's on existing city of Austin water. At this time it is not our intent to resubdivide this plat. He's attempt to go sell his property and we are consolidating three tracts into one lot. The conditional overlay as well as the watershed regulations she brings up do not warrant a 20 lot subdivision. You simply cannot do that with current or even codenext coming down the line so it's not a possibility for the future to come in and subdivide even to three lots or four lots. The most we can have as had he mentions per NSA

[indiscernible] Is exactly correct and nobody has the intent to subdivide any further than the one lot we have now [indiscernible] Attempt to sell his property. In regards to her setback question, that is a question we raised when we were working with city staff on the zoning and we were told by city staff that a variance to the zoning setbacks could not be done, there's an easier route to go by putting the conditional overlay on to sf-1. I'm not sure that's accurate but that's what we were told going through the process so I'll defer that to staff. That's how we ended up at sf-1-co instead of rr with a 25-foot setback.

[8:44:14 PM]

>> Mayor Adler: Can you explain to me that? I mean, is this -- what is it at the root of this? Is it whether you have two homes versus one home?

>> The applicants are gonna do a cap of two homes but he would like the reduced setback of sf-1. He is correct that the council cannot grant a variance to rr for reduced setback. That is something only the board of adjustment could do. So he's asking for sf-1 so that he can get that reduced setback and has agreed to cap it at two units.

>> Mayor Adler: Is this case then about -- what was the existing zoning would allow?

>> The existing zoning is Dr, it would allow one house for every 10 acres and he was four and a half acres.

>> Mayor Adler: This case at its root is about one house versus two houses?

>> Yes. He could have asked for rr which allows one house per 1 acre but it has that larger setback on the front that he has an issue with.

>> Mayor Adler: Okay. Because if he got that rr without the waiver it would be one lot.

>> He'd have to go -- yes, exactly. He'd have to go to the board of adjustment and prove a hardship to get that variance.

>> Mayor Adler: Again, a difference between one house and two houses. That's what this is about?

>> Yes.

>> Mayor Adler: Okay.

>> I have a -- I would like to see it stay -- to move for it to be rr, which I'll do in a minute. But I think there are more questions but we don't have answers yet so what I'd like to do is move it for rural residential for first reading. There's some environmental considerations here that we're trying to work out that we'd like to work out with the applicant and the neighbors, there's questions about watershed and, you know, the implications between the two, between rr and sf-1-co in terms of the implications for punished and how things are monitored. While there is one sf-1 adjacent, the rest of it is Dr or rr right nearby. It is a particular terrain that's environmental challenging, I think, and so we just want to work out those issues and see if we can better understand them and come to some kind of agreement.

[8:46:24 PM]

So I would like to move that for first reading we go with rr zoning.

>> Mayor Adler: Okay. Ms. Alter moves rr on first. Is there a second to that? Ms. Kitchen seconds that. Is there any discussion? Ms. Garza.

>> Garza: I wish I memorized every zoning code. Actually, I don't wish.

[Laughter] So it's -- one house versus two, but if they got rr they could build two but then the issue is the setbacks?

>> The issue is that they -- they would have the land area to build two. And, yeah the environmental regulations would -- it would be subject to lake Austin watershed ordinance.

>> Garza: And so this is -- it's 4.6 acres with sf-1 they can build two houses --

>> Sf-1 is [indiscernible]

>> Garza: Okay.

>> Council, just so you're aware, another reason why they're here before -- going to council before the board of adjustment, if the applicant went to the board of adjustment to ask X to reduce the setback from 40 feet to 25, which would be similar to what they are right now, zoned Dr allows 25, they would have to show a hardship to basically start new construction. You're wiping the lot clean and building a new building.

[8:48:28 PM]

So with a combination of having the right-of-way taken across city park road to reduce the depth of the lot and the change in the setback to be 40 feet, it has the effect of moving the building closer to those steeper slopes. I want to make sure you understand you can't really go to the board of adjustment necessarily -- a good argument to show hardship when he's building a brand-new building.

>> Mayor Adler: So would the neighbors in this case approve --

>> Well, the decision is up to the board of adjustment. Not so much the neighbors. If the board of adjustment reduced the setback from 40 feet to 25 then that would be probably a desired state that the applicant could certainly live with. But he's already setting back an additional 20 feet, as I understand it, because of the subdivision process, he's gonna have to dedicate 20 feet to right-of-way. So dedicating the 20 feet of right-of-way plus having a 40-foot setback he's actually sitting back I guess 65 or 60 feet

from the existing right-of-way. With a new building. If he wasn't pursuing, I guess -- in keeping did R then he would be I guess 45 feet off the existing right-of-way. Without the dedication.

>> Mayor Adler: What I -- I'm just trying to -- but that's a discussion about how far it sits back, right?

>> Yes.

>> Mayor Adler: And I'm getting lost on whether that's the issue here, what the key issue here is, whether you can build two lots. What's the -- would you come up a second?

[8:50:30 PM]

Help me understand.

>> Sorry.

>> Mayor Adler: What's at issue here?

>> Yes, sir. The issue is the topography and the setbacks. We're not here in an attempt to build a second -- he it's simple, we have been stressing the second dwelling as part of our conditional overlay to help Westminster Glen know we're not trying to subdivide into ten, 15, 20 lots. That is not the object here. We are simply -- the plan is to keep only one residence. We just need that space up front, the extra 20 -- 15 feet in the difference of the setback to make sure everything stays and can fit if the new owner potentially wants to change his single dwelling. It is a site constraint. If you can pull up my presentation one more time I'll bring that up for you. Thank you not an attempt to try to get a second dwelling. That's something we worked with staff to appease the neighbors that we are not trying to get 10 or 15 lots. That is not the object of what we're trying to do here.

>> Mayor Adler: I understand that too. I'm not hearing the same --

>> I mentioned I haven't spoken with Carol Lee or her neighbors. We have spoken with the Westminster Glen neighborhood, I'm sorry if that's the same neighborhood but I've been talking to folks over there and they expressed concerns through written notification and email last week. This is the first I've heard of Carol Lee's concerns tonight.

>> Mayor Adler: So my sense is is we're not gonna be able to solve this on the dais and I'm going to support councilmember alter's motion to fast on first reading so that you can continue to have those conversations and talk. Maybe there's an appropriate place for everybody to end up with together that that doesn't have you building back on the greater slopes but still gives you what you need without risking going to board of adjustment but still meets the concerns. So I'm gonna support the motion to pass on first reading. Mr. Flannigan.

>> Flannigan: I feel like this is a matter of process, but I would be more comfortable passing the staff recommendation on first reading and continuing the conversation as we've done on other cases and then using that as the baseline to continue the matter.

[8:52:42 PM]

We've shown no reason not to change things later, but I think as a matter of process and respect to our commissions and our staff we could easily pass the staff recommendation on first spread let the conversation continue beyond that.

>> Alter: Sorry.

>> Mayor Adler: Go ahead.

>> Were you finished.

>> Flannigan: Yeah.

>> Staff was not able to come to agreement to support the staff. My zap representative put forward rural residential as the appropriate thing. We are still trying to work this out. I think there's also

precedent to follow zap and if there's a disagreement between the staff and zap it doesn't automatically go to staff.

>> Flannigan: True. But I would note that --

>> Alter: I don't think it vitals the process.

>> Flannigan: Right. I would just say that with the lack of a formal zap recommendation, then that goes away, you could argue -- and I'm not but you could -- that there were five votes for the sf-1 and 4 votes for the rural, but it didn't pass so I don't think that's a fair way to go. But not having a zap recommendation does not negate the staff recommendation. Not here to make a long point it periods a long night ahead of us, hopefully maybe not, but it might be. I want to just make the statement I think as a matter of process it makes a lot more sense to me if we're gonna do the first reading to move the process forward to do that based off of staff recommendation and debate and argue and negotiate from there as opposed to making the first reading something that we've just decided on the dais and try to go from that direction. I'm not gonna fight any longer about this. I just wanted to make sure that y'all understood kind of where my perspective was on how these things might go forward in the future.

>> Mayor Adler: Okay.

>> Casar: I would second councilmember Flannigan if he makes a motion.

>> Mayor Adler: Okay.

[8:54:42 PM]

The motion in front of us right now is the rural residential. Any further discussion on the dais? Ms. Garza.

>> Garza: I'm slow tonight. If -- so Dr they're allowed one -- there's one dwelling on Dr. If it's rr, are we saying it's still one dwelling with even more strict regulations than Dr?

>> Dr would allow -- Dr allows one unit per 10 acres. Rr allows one unit per every acre and sf-1 allows one house per every 10,000 square foot square feet. However, he has agreed to limit it to no March than two on the entire 4.6 acres. His subdivision is only for one lot so it would only allow one house at this time. In the future that could possibly be resubdivided and if they get 2 acres of [indiscernible] They could possibly do a second house but that would depend upon an analysis on the slopes on the property.

>> Garza: So rr allows you said one house per 1 acre but because of some environmental buffers and setbacks some this did piece of property you could only have one if it's rr. Is that right?

>> The setbacks of rr would push the house back further and the property drops in slope severely across the back so it would push the house too far back and into the slope.

>> Garza: Okay.

>> Mayor Adler: Ms. Alter.

>> Alter: I have a map here that indicates there's still 76 feet after you take out the three numbers that were mentioned of the 20, 25, and 40, as I understand it, which was what was shared with my staff. And we were told that they could still build two houses on rural residential but that it was tighter and they were hoping to get more flexibility. And I'm not saying that we may not arrive at the point that you get flexibility, but there are some differences across these that we're trying to figure out in terms of the implications for what happens with the watershed as well as trying to be able to talk with the community who has concerns.

[8:56:59 PM]

There's one property that is adjacent that sf-1 and everything else is Dr or rr so I don't think that if we just take the one property and say that should be the use -- I'm not sure what planning principle that

comes from. We would like the opportunity to speak with you and the neighbors to see if we can figure this out and that we can understand better. You know, this is our first case with rural residential in there, and we want to make sure that we are -- or are the Dr, I should say, we want to make sure that we are addressing the environmental as well as your needs.

>> Can I speak to the map real quick?

>> Alter: Sure.

>> That was something that I provided to your staff on Tuesday. As I also mentioned that was the flown aerial topo. The information I shared tonight was what we got from an on the ground survey yesterday so that's why it's more accurate and shows 55.1 feet because that's true topo, wasn't extrapolated information.

>> Alter: Okay. That is a nuance we didn't catch through the presentation and, again, I'd like us to be able to clarify this and I'm sure the neighbors also probably didn't catch that detail and are not understanding that nuance. So thank you.

>> Yes, ma'am.

>> Mayor Adler: And the truth for me, Mr. Flannigan, is that I think we're just pushing it forward and if the motion had been to do it sf-1 I would have voted for that and rural residential for that because I think it's really -- this next set of conversations that will tell us really what's at issue and what needs to be done. It's been moved and seconded. Any further discussion? Those in favor of the motion to do rural residential please raise your hand. Those opposed. Troxclair voting no, others voting aye and it passes. Okay. Can we knock out the right-of-way dedication issue, 77, and then del valle 78?

[8:59:17 PM]

>> Mayor, council, Andy, development services. I'm going to breathe a big sigh of relief we're actually here to present this to you. This has been a long journey. We've been working on this for about three years now and we had a lot of interaction with stakeholders and other things. We're passing out a few minor corrections to the ordinance based on some stakeholder discussions we had over the last couple of days to make a few adjustments. There's been a lot of -- I believe to be here with only a mum number of speakers -- minimum number of speakers. Mr. Spillar with the transportation department will present the ordinance and answer questions. There has been a collaborative effort with a lot of people, so we're here to present based on the briefing we provided on Thursday as a continuation.

>> Excuse me. Thank you. Robert spillar. Transportation department. I think will linz heisen has summed up some of the staff. This allows mitigation with or without transportation impact analysis, certainly addresses other elements of the code related to staff's ability to negotiate mitigation when traffic levels reach undesirable limits on individual roadways. Staff has worked on this for over two years. I think Andy can probably add to that, and I hope that this is acceptable as we head towards the potential for traffic impact fees, which are 18 to 24 months away before we're ready for that.

>> Mayor Adler: I think we've been briefed on this before. You want to talk to us about what the changes are?

>> Sure. I'd be happy.

[Indiscernible]. In talking with some of our stakeholders, namely reca, there are some concerns about some of the language we had could be interpreted differently than how we intended it.

[9:01:30 PM]

Under the 26-6-d2, we added something, their concern was, the way it was written, staff could say do a tia for every project, no matter how small. That certainly was not our intent. It was if you were to challenge our proportionality determinations we wanted to be able to ask you, if you disagree with

those, what are you going to provide to refute that. So that was an intent there. So we made a clarification on that one. We made another change under the mitigation. So this allows us with a site plan or any development that doesn't generate a tia, less than 2,000 trips, so ask for off site improvements, be that a sidewalk, it's a pretty limited scope. The developer said, you know, we're okay. We'll fund that. We don't particularly want to. Obviously, they'd prefer not to, but they asked if we would allow them to post fiscal, then we use the fiscal to build the improvements, versus have to write a check. And it's about a timing issue with money and financing for the city's purposes. That's not an impact to us. We can take fiscal, we can take the cash, we can do it either way. So that was a reasonable accommodation we could add, that I think gave them some flexibility and helped them. So we were okay with that change. The also change we made was that if they willingly come to us and say, I want to do a tia, that we would agree that we'd take it, and that we would use the mitigation that comes out of that tia as part of an administrative approval. If it comes to council, with a zoning case or something like that, that would be a different discussion. So those were the three changes we incorporated in the last, you know, 48 hours or so. Not significant, in our opinion. Doesn't change the intent, and the benefits that we get from this ordinance, you know, that allows us then to begin to ask for improvements with projects that don't have 2,000 trips.

[9:03:31 PM]

>> Mayor Adler: Okay. Thank you. We have some citizens here that want to --

>> Alter: Can I just ask a question on that last part? I didn't fully understand the part under 3. Could you just repeat that?

>> On the -- council, let me clarify. The last page under 3, the mitigation in D, so if you go to the -- you have to go to the actual ordinance to put it in context. Let me go to the right page. Hold on. So if you go to 26-6-101, mitigation of transportation impacts, B is a new section that we've added. This is what gives -- or clarifies, really, that staff clearly has the authority to ask for improvements and mitigation of impacts, and we're limited on what we can ask for if they don't do a tia. And that's related to nexus, you know, and those kinds of things. We have to be able to show that we clearly -- what we're asking for is tied to the impact they're making. So there's some limitations. What they've asked is, well, if you say I'm going to do -- do you want \$600,000 in improvements and we disagree and do a tia and shows it 500, will you accept that, if we give you the full detailed study? Sure, we can do that. If you're willing to do a detailed analysis, work with us, we approve it, we determine that's the appropriate mitigation, okay, we can do that. And that's what that change accommodates for them. And these would only -- this would only apply on stuff that does not come before you. Again, these are projects where today we get nothing. They're less 2,000. We don't have the code authority to require them to do these things. That's what that limit -- it's only on the stuff that staff would be looking at.

>> Alter: Only on the cases that are under 2,000 trips right now.

>> Yes, ma'am.

[9:05:31 PM]

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay.

>> Tovo: So it looks like one other Chang made is 26.6.141 is application, it looks like at least some of the council's responsibility or ability to weigh in has been removed, and I wondered if you could talk us through the rationale there.

>> Sure, I'd be happy to try to. The way it reads, there's a section of code that actually says if they don't adequately mitigate and they're accessing certain classes of streets that don't need desired operating

level, that staff may not approve, no matter how much mitigation they do. If they cure the entire problem, pay for it all, we can't approve it. It has to go to -- we have to administratively deny and they have to put that not planning commission. And that puts the planning commission then in the position of, you know, playing traffic engineer. Did they adequately mitigate, should I approve this. What we've said is, let staff negotiate with the applicant, let staff do the mitigation. Again, these aren't administrative site plans, they're not ones already going to commission, this was just an administratively approved -- it doesn't change the council's authority. The way the code is written today, if you were to have it in context completely, it -- the ones that came to council, y'all already have that authority and it doesn't change it. If it had to come to you, it'll still come here. This isn't about we as staff had to deny, it had to go to planning commission, then to appeal our denial, it could meet the rest of the code, but if they fail this one condition, even if they provided the mitigation, we, by code, have to deny it.

>> And if I could, what that did is put staff in a pretty awkward position where we were required to deny it, but then could not recommend for planning commission to accept it with the mitigation as we proposed because the code required us to deny it, so we had to stand behind -- we had to stand behind that recommendation that we had denied the proposal.

[9:07:46 PM]

>> Tovo: Okay. But the language that says the council or director may approve an application if the applicant has satisfactorily mitigated adverse traffic effects. Does that mean it's -- is it possible that a project could only get approval from the director rather than --

>> Well, yes. As I'm sure you're aware, most projects don't come before you. You weighed in at the zoning stage. The commission has weighed in at the platting and sometimes the zoning. By the time they actually get to the site development program, they're submitting something the staff evaluates on the conditions you set. And this was a holdover language that is in -- was out of place, and like Mr. Spillar said, it left us in an awkward position. Site plan is great, it complies with everything but I can't approve it.

>> Tovo: Okay. So it's not changing the decision-making path. It's simply saying -- with regard to council, anyway. It's simply saying if it's headed to council, they can make that decision. If it's administratively approved, the director can.

>> Yes, ma'am, that's correct.

>> Tovo: Okay. Thanks for that clarification.

>> Mayor Adler: Okay. Let's listen to some --

>> Tovo: It's getting kind of late.

>> Mayor Adler: Let's call the people in the public to come talk. David king, do you want to address this? Andrei on deck.

>> Thank you, mayor, mayor pro tem, councilmembers. I'll be real brief. I hope you pass this tonight because you know how many times we've been up here talking about the projects that are right below the threshold. And cum cumulatively that adds up to impacts that you're having to deal with today that we discussed several times tonight where we have intersections that are already at D or F and failing. And I think it's these incremental projects that are flying below the radar so to speak that are contributing to this problem.

[9:09:49 PM]

So I think this is a big -- good step in the right direction, and will help solve that problem. So I hope you all support this. Thank you very much.

>> Mayor Adler: Thank you. Mr. [Indiscernible]. Jeff Howard. Mike Currens is on deck.

>> Thank you, mayor. Good evening, councilmembers. My name is Jeff Howard. I'm a land use lawyer here in town. I'm not here on behalf of any particular client. I'm actually here, frankly, because my conscience compels me to be here. This is one of those items that sounds really easy, but it has a huge, huge impact. And I signed up neutral because I'm actually in favor of the ordinance as staff has drafted it. I am, however, opposed to the proportionality calculation. Let me give you a little context. We talk a lot about affordability here in Austin, and you all have had a lengthy discussion about the affordable -- affordability action plan. In Dallas, if you have a 322-unit, four-story apartment, city fees are about \$120,000. In Austin, they're \$1.1 million. It is nine times more expensive in the city of Austin to process an apartment building. The way the city's rough proportionality calculation works, that same 322-unit complex would generate about a \$670,000 rough proportionality bill. That's about \$2,100 per unit. And I would argue that rough proportionality methodology, which is based on an arterial construction, is probably illegal. In fact, I'm pretty sure it is.

[9:11:52 PM]

So what do we do about that? Well, what we can do, and what we should do, is something that I think the staff's changes will provide, and that is, we should be having ties for projects that are less than 2,000 trips per day. I don't disagree with that. As someone who represents large projects, large projects tend to bear a lot of the burden, and the smaller projects don't. We should be doing something about that. But what we need to be very, very careful of, we need to be very, very careful that we don't trigger \$600,000 requirements for a 300-unit project. That sort of \$2,000 per unit is in this city. We need to be very, very mindful of that. So I speak out only to caution you and let you know that the rough proportionality metric that staff has come up with is very problematic. But I also want to applaud staff for the way they've worked with stakeholders. This is a very complicated issue, and it is one that I think requires careful scrutiny. And I think the changes that staff has proposed, which will allow an applicant to bring a tie and demonstrate their traffic impact and proposed mitigation warrant your approval. [Buzzer sounding] With that, I'll be happy to answer any questions you may have. Thank you.

>> Mayor Adler: So I'm confused, Mr. Howard.

>> Yes, sir.

>> Mayor Adler: You like this, it's legal, you recommend we approve it, but you caution us against approving it.

>> Well, the issue before you, mayor --

>> Mayor Adler: Are we waiting to see how it then gets applied? Is that what you're saying, pass this, but then watch how it gets applied?

>> Yes, mayor. The ordinance before you is not to approve the actual method for calculating rough proportionality. That rough proportionality method, council -- excuse me -- staff is already deploying. Deploying. It has to do with how much traffic is generated.

[9:13:56 PM]

It's translated to vehicle miles and that's translated to a cost per arterial. I think that's an inappropriate method of calculating of your proportionality. That method is not before council tonight.

>> Mayor Adler: Okay.

>> What's before council tonight is, how does staff handle projects that generate less than 2,000 trips per day.

>> Mayor Adler: Okay.

>> And that part I do support.

>> Mayor Adler: Right.

>> It's merely the methodology --

>> Mayor Adler: Your caution is something that's not really before us tonight.

>> Yes, sir.

>> Mayor Adler: Got it. Thank you. Next speaker that we have -- thank you, Mr. Howard. Next speaker that we have coming before us is -- I think it's our last speaker -- Mike Kearns. Is Mr. Kearns here? You pass? Thank you. That gets us back up on the dais. Is there a motion to approve --

>> Alter: I have a couple of questions if I might. I'd like to clarify with staff that I'm understanding this part 3, that it is the lesser of the rough proportionality number or the total cost of the off site transportation, not the pro rata portion of the transportation improvements and the tia.

>> I'm with development services. We're on d2 in the staff proposed changes?

>> Alter: Yes.

>> This would be a project that's less than 2,000 trips per day. As Mr. Howard says, I want to do a tia. He brings it to us, we scope, review, and determine the mitigation, and we agree to that mitigation. If that's less than what we had proposed without the tia, if the tia actually reduces the mitigation, we would agree to let them do the Lister am it Gallegos. List lesser mitigation.

>> Alter: He might be responsible for that lesser one your calculating but the tia might need something to be done in order to be successful, but UT only require him to do the pro rata or you could require him to do up to the -- the maximum you require would be the cost of all improvements identified in the tia, funded at 100%.

[9:16:13 PM]

>> In general, we've adopted tia guidelines that outline the critical movement pro rata, which is how staff has defined it. So it would be the pro rata share. Staff would probably seek to identify certain high value improvements and say fund this one 100%, and seek for things we're looking for. But it is at the staff level. We're working within our administrative guidelines about pro rata share of the mitigation. But we're asking them to fund whole pieces of it. It's not just -- you know, historically there was a practice that we'll take 10% of each piece. We're asking, this is your -- this is the piece we want you to do. But, again, these aren't the administrative ones. It comes before you, you know, as a policy-making body. You're not bound necessarily by this.

>> Alter: I guess I understand that. I'm just -- you know, if proportionality is so much higher, and everyone is just going to do a tia, then we're going to get a whole bunch of little pieces of stuff, then you're not going to be able to say, well, you have to do X, Y, and Z, or this project doesn't fly.

>> So the rough proportionality is always our maximum check.

>> Alter: But this says the lesser of.

>> And so, again, if they're will to spend the money -- tias are not cheap. Even on a small project, they're going to spend tens of thousands of dollars to complete that study, it gives us great certainty, because it's a detailed study, headed by staff, scoped by staff, about we want -- they would only do that in the case, if they came to us and said, I don't need to do a tia, and we responded with you're right, you don't need a tia, but here are the mitigation improvements staff feels are appropriate, based on the context of your development. You immediate this sidewalk, you need this bike -- you need these things. They go that's too much. We don't think that's appropriate. So they would do a study, and part of that scope, we would analyze those improvements and say show us they're not needed.

[9:18:15 PM]

So we would get some certainty, some engineering analysis we could look at to say "Yes" or "No," we need those. And if we ultimately agree that they're right, that, okay, our first ask was an overreach, they

wouldn't have to do them. So I think I understand what you're asking me, and, no, we would not be saying run two full pro rata -- I mean rough proportional share on every project.

>> Alter: I'm not concerned -- as far as I'm concerned, you can talk to them as much as you want on the rough proportionality, but what I'm concerned about is if the setting -- you know, the ceiling at the pro rata, or is it setting the ceiling at the tia? And I'm not saying in every case you'd go above the pro rata to the tia, but if you decided that it needed to be higher in order for the traffic to be mitigated appropriately, but the tia they came back with said it was these percentages, what's confining you then? Is it the tia total or the pro rata?

>> Of course we're held by state law to rough proportionality. And especially with smaller projects, regardless of whether you do a tia or not. Tia. The calculation methodology to figure out how much the developer should participate, their fair share of the traffic improvements, using our pro rata calculations, sometimes actually exceeds rough proportionality. And so we have to cap it back to rough proportionality. I think what we're trying to say here is on these projects that we've not been able to collect any mitigation before, if a developer chooses to do a tia, we have an opportunity to have discussions with that developer, and it's a back and forth discussion. But the only reason that they would do their traffic impact analysis is to try to approve that rough proportionate impact on the system is lower than what we had originally estimated without the tia.

[9:20:17 PM]

And so that's really the issue. And, you know, just as within any tia, we do the pro rata calculation, and that's the starting point of the discussion.

>> Alter: But if they -- so they -- their pro rata is lower than the amount that you originally said, how do you -- what -- you know, they automatically get the pro rata then, even though you think it's --

>> I think with any tia, it's a discussion till we come to an end agreement --

>> Alter: Okay. So you can't agree on the tia --

>> If they're providing from you have that they think their impacts are lower than what our original calculation is.

>> Alter: Okay.

>> So he was pointing out that when staff is looking at this, we're constrained by rough proportionality. I think rob mentioned our starting point is pro rata but if that doesn't adequately mitigate, that's not staff's discretion and atd leads that discussion of that's great, but that's not enough. So to adequately mitigate, you did this tia, that's fantastic, and we agree these things are going to the off, but, you know, you identified over here, we've really got to beef that up. And your pro rata share may not be enough. And that conversation happens, atd leads that discussion.

>> Alter: I think I'm discuss understanding that but what I'm not understanding, if item 2 allows you to go beyond the pro rat are a.

>> Understand that pro rat are a proposed by the applicant is not always accepted by the staff. Their version may not match what staff's version is. I mean there is a mathematical calculation that we've come up with and we've put some guidelines out saying this is how we do it, provide those calculations, but it's still in negotiation because if they're doing a tia study, it's going to identify the mitigation that's needed and staff is going to have to ensure that they've mitigated.

[9:22:19 PM]

I mean, and that's -- that's how that works with atd. They actually look at that since they manage the network.

>> Alter: And I don't want to belabor this. It's late. It just doesn't seem to me that the way this is written guarantees that you can go above that. But if nobody else thinks that's an issue, then I'm for the going to keep going there. I did have a couple other ones, which will hopefully be quick. So if you had a new development that had under 2,000 trips, this doesn't change their responsibility for providing the roads within a new development? Is that correct? There's --

>> No. This does not change that process. It does incorporate in the code that we have to do the rough proportionality check. That's not been in code. We've been doing it because it's state law. As far as those projects, that's what this affects. It just says we have to do it.

>> Alter: Okay. Under this code and, like, the change and the current code, if you had a building that was under 2,000 trips that was on a major corridor that was proposed to be built, and you wanted a right-of-way for a right turn lane, is that something that you're able under the new to ask for?

>> Absolutely. And if it's adjacent to their boundary, we can ask for that, and do, today. This gives us a little authority to do a little more. It actually expands that a little.

>> Alter: Okay. Does anything change in the case that you're already triggering the 2,000 and more trips, where you're getting the tie? None of this applies to that case?

>> No, ma'am.

>> Alter: And the last -- when does this start applying to projects?

>> If council was supportive and chose to pass it in all three readings, it would be ten days.

>> Alter: Okay. Great. And then I just want to point out that you have improvement spelled wrong on the draft resolution.

>> We'll correct that.

>> Alter: Thanks. And I'm really excited to see this. I just wanted to make sure I was understanding it.

[9:24:20 PM]

I think it's great that we're going to be able to -- we're going to capture this traffic money.

>> Thank you.

>> Mayor Adler: Is there a motion to approve item 77 with the changes made staff handed out? Ms. Alter makes this. Mr. Renteria seconds that. Any discussion on the dais? It's all three readings. Any discussion? Those in favor, please raise your hand. Those opposed? You look confused.

>> You're going to pass this on all three readings tonight?

>> Mayor Adler: If we had more than seven votes. And apparently we do.

>> Yeah. I guess my expectation was that we were going to pass it on first reading, but --

>> Mayor Adler: How do you vote? The motion, all three readings. I think -- those in favor, raise your hand. Those opposed? Abstaining?

>> Troxclair: I guess I'll abstain. I would have supported it on first reading. I'm not comfortable passing all three readings tonight.

>> Mayor Adler: Ms. Troxclair abstains. Passes otherwise. Let's do item 78. No one signed up for that. That will leave us two things left. We'll do saltillo first and Austin oaks. Introduce 78.

>> All right. Good evening. I'm the interim director of neighborhood housing and community development. Item number 78 is a public hearing for supporting an application to be submitted to the Texas department of housing and community affairs by del valle 969 apartments. They have requested that we postpone this item until April 13th, 2017. The applicant has.

>> Mayor Adler: Who's -- the applicant?

>> Yes.

>> Mayor Adler: Till when?

>> April 13th.

>> Mayor Adler: Okay. Is that your recommendation?

>> Yes.

>> Mayor Adler: Okay.

[9:26:20 PM]

There's no one here to speak on this? Is there a motion to postpone? Ms. Garza makes the motion. Mr. Renteria seconds it. Any discussion on the postponement to April 13th?

>> Houston: Oh, I just had a question for staff but you're moving really quick here.

>> Mayor Adler: That's okay. Ask your question.

>> Houston: This is in the etj; right? Because it's not in district 1. Or is it in Travis county?

>> I believe it's in the etj.

>> Houston: So why does the city have to vote on this particular one? Why not the county?

>> Because it's -- the applicant must submit to tdhca a resolution of no objection from the applicable governing body, because it's in the etj of the city of Austin. The developer must also obtain a similar resolution from Travis county commissioners court. So they will be getting one from both.

>> Houston: So they have to get both.

>> Yes.

>> Houston: That clears it up. Thanks.

>> Thank you.

>> Mayor Adler: Okay. It's been moved and seconded to postpone this. Those in favor, please raise your hands. Those opposed? Those abstaining? It's unanimous on the dais, it is postponed.

>> Thank you.

>> Mayor Adler: That gets us then to our last two items. Mr. Renteria, do you want to make a motion?

[9:28:30 PM]

To make a motion? Mr. Renteria, you need to -- Ms. Houston, do you have an extra copy there? Would you pass it back, your extra copy? That's okay. For counsel. Mr. Renteria, you want to make your motion?

>> Renteria: Yes. Mayor, I want to move to -- item 40 -- and for those, this page -- it's on the message board, for people that want to look it up. I move to approve item 40 and approve on third reading of items 62, 63, and 64, with the stipulation set by the council on second reading, with the following addition outline on the motion sheet that I have distributed. For the office building on tract 1, the maximum height would be set at 70 feet with the option of going to 125, with a contribution of \$1,080,000 to the housing trust fund, they would provide affordable housing within the saltillo area. This would be in addition to any existing fee in lieu requirement, about \$600,000 at 125. That made a total of potential transfer to the fair housing trust fund of \$1,000,680. That maintains a provision -- this maintained the provision of 141 affordable unit and changed the mix to include four additional 2 bedroom units. It changes the resolution just clarifies the intent to use any additional revenue granted as a result of additional height within or the vicinity of the tod area, which basically means that it will be used within a half a mile of the building, any additional funding that would be used there.

[9:30:54 PM]

So that's my motion.

>> Mayor Adler: Mr. Renteria moves passage of 62, 63, 64 on third reading, and item 40, as was handed out and as is posted on the message board. Is there a second? Is there a second to this motion? Ms.

Garza seconds this motion. Do we want -- we have a number of citizens that have signed up to speak. Any discussion before we go to the -- mayor pro tem?

>> Tovo: Yes. I need to -- I'm not completely clear on all the changes that are before us. Let me say I understand the resolution. That one I'm clear on, though I do want to -- I do want to verify that the -- that the increase -- that the amount -- the amount of tax revenue that is going to the trust fund is just the increment from -- would just be the increment from 70 to 125.

>> Renteria: Correct.

>> Tovo: How is that calculated? Who did that calculation and how was that --

>> Renteria: That was through the help of capital metro and capital metro was willing to commit to 20% of the -- of the lease of the additional building, plus we're also going to get the added value of \$100,000 a year on the tax -- on the resolution that you have passed last year for the public benefit, the -- any public land will be -- the funding will be allocated to the housing trust fund.

[9:32:56 PM]

>> Tovo: Right. So 100% of the tax revenue will flow to the housing trust fund. The increment from 70 to 125 will stay at --

>> Renteria: Additional hundred thousand, yes.

>> Tovo: Will stay at plaza saltillo. That's the only --

>> Renteria: Correct.

>> Tovo: All of the revenue would have gone to the housing trust fund, it's just that wees piece, with this resolution, will stay did the.

>> Renteria: In addition to that, capital metro is willing to give \$540,000, and another 540,000, and the city would kick in another 540, so it would be a total additional fee of a million dollars.

>> Tovo: I see. And I mean, I guess I've -- so where is the city's participation coming from?

>> Renteria: I believe it's going to be the \$600,000 that comes in with the fee in lieu.

>> Tovo: So the idea here is that if we allow them to do -- I mean that's the part -- that we've talked about in previous hearings that I will say discretionary. We don't need to allow them to do a fee in lieu. We could require they do 15% of the commercial space as affordable housing, but if we allow them to do the fee in lieu and accept that 600,000, we would be reinvesting that back in the project.

>> Renteria: Correct.

>> Tovo: And capmetro and endeavor's additional investment is contingent on our participation as well?

>> Renteria: Correct.

>> Tovo: I guess we'll have an opportunity to hear from endeavor, why that's the case. Okay. So the -- in 62 and 63, I guess if you could sort of capture -- were there other changes -- I guess we just -- I just need to spend some time and last through blast through and read this.

[9:35:07 PM]

I didn't know if anybody else wanted to offer a quick summary of what changes are from second reading. I didn't follow completely the additional units. The additional affordable units that were described.

>> Mayor Adler: Did you draft this? Do you want to explain to us?

>> Sure. The changes from what you passed on second reading are what is underlined on the yellow sheet. So --

>> Tovo: No, I understand that. I just didn't know if we could have a quick summary of what those are.

>> I'll try. Just going through it, starting with part 2, so in B, what we've done is said of the 41 units that will be in those two tracts, two will be two bedrooms. And then the next part has to do with making sure

that they make available to us to subsidize under the regulating plan, we can subsidize another 10% as affordable, and this is just basically tracking language in the regulating plan to make sure that they are obligated to allow us to do that. Right? Then in D, the change there, that non-residential, I talked a long time with nhcd, that that's appropriate for the calculation of the fee in lieu. And that the certificate of occupancy is actually the appropriate trigger for that. Then in part 3, now, that's cure section, part 3. So a is what was there before, which gave them the 70 feet, no more than five stories, and we added except as in B, B is the meat of this, which is that this location, the 130 feet from the western boundary, that's where they want the 125-foot height. So the maximum height can go to 125 or no more than eight stories, if, in addition to the fee in lieu, it's required under part 2, they contribute to the housing trust fund \$1,080,000.

[9:37:15 PM]

And that's for affordable housing within the plan area. And, again, it's the certificate of occupancy cannot be issued for any structure over 70 feet, which was granted under part 3a, unless they met the condition by making that contribution.

>> Tovo: Okay. So as I understand that last provision, they would be allowed to go to 120 feet -- 125 feet only if there is a contribution of 1,000,080,000? Okay. So that's not contingent on our -- that's not contingent on a contribution from the city, that's contingent on the contribution from capmetro and endeavor, 500 and 500?

>> Correct.

>> Tovo: Okay.

>> I will point out that where the city contribution comes from is not within here, but I know that capital metro's board -- their resolution about this limits the amount they will contribute to what we contribute. So they just wouldn't -- wouldn't be doing this unless we also contribute.

>> Tovo: I see. So our ordinance just makes the height increase -- okay. So if the city cannot contribute toward this -- toward this, or the clients to contribute towards this then capmetro will not contribute toward this, and endeavor cannot achieve 125 feet.

>> That's correct.

>> Tovo: Unless capmetro adjusted its position on that.

>> Correct.

>> Tovo: Okay. Thank you for talking us blue that. Throughthat. I hope we'll have an opportunity to come back to the two-bedroom issue.

>> Mayor Adler: Let's go ahead and let the group talk. Ms. Pool, before we go.

>> Pool: Ms. Cotton made reference to a resolution from capmetro. Do we have that?

>> I have a copy. I can go get copies made. I'm not sure if other people have seen them as well.

[9:39:15 PM]

>> Pool: I don't think anybody has seen it but I'm sure it's an official document, so we -- thanks.

>> And mayor if I may --

>> Mayor Adler: There was an e-mail from capmetro that went to council, went to us. I'll look for that. Mayor pro tem, I'm sorry.

>> Tovo: Mayor, I was trying to explain, I'm certainly not trying to cut off the public discussion, but since we have members of the public who are here to speak about the issue and they may not be familiar with this change, I thought it would be useful not just for those of us on the dais who are seeing this for the first time but those who are here to make public comment to know what's proposed and on the table.

>> Mayor Adler: I don't have any problem with that at all. Ms. Pool?

>> Pool: And, mayor, I do find that we did receive it by e-mail, if anyone else wants to pull it up. I can't tell what the date on this is, but anyway, I do find it.

>> Mayor Adler: What day did you hold the capital metro meeting? Was that Monday?

>> Yes. That was Monday, and the resolution was e-mailed to everyone on Sunday.

>> Mayor Adler: Okay.

>> Renteria: And the only difference is from what we passed already on second reading, is just the height of the building and the amount of money that's coming in. There's no change to anything else but that, that item.

>> Mayor Adler: Okay.

>> Renteria: And the money that comes with it, if we allow them to go to that height. If not, it just reverts back and we just don't get any of that money.

>> Mayor Adler: Does anyone want to ask any questions before we go to the public? Ms. Pool?

>> Pool: I would be interested in just an explanation on how the amount of money was arrived at and is the discounted net present value at a commercially reasonable discount rate, is that a standard -- is that a standard way to value the contribution?

[9:41:32 PM]

>> Renteria: I believe we can just let capital metro, when they come on, speak -- I'm sure they'll be able to --

>> Mayor Adler: Okay.

>> Garza: Mayor?

>> Mayor Adler: Yes, Ms. Garza.

>> Garza: I think the capmetro representative will probably be able to explain the justification behind the number, but frankly, I was -- I'm still confused about one thing, and that is, my understanding was that capital metro's -- the agreement was 540 if capmetro, 540 from endeavor, and 540 from the city. I'm still confused is to where the city's 540 -- because I've heard it is part of -- I thought -- I thought councilmember Renteria said it comes from the 60,000 that they already paid in fee in lieu, and that wasn't my understanding. And then I've also heard, no, it comes from the additional tax revenue from the additional height. And so I'm not clear where the city's contribution is coming from yet.

>> Pool: Let me also say my understanding from what the capmetro board passed on Monday was that all of those contributions were in addition to the fee in lieu. In other words, the fee in lieu does not count towards the capmetro, endeavor, and city contribution.

>> Mayor Adler: That was my understanding of the resolution as well. So we'll ask housing about that when they come up. Okay? So let's start then with the applicant. I don't know if capital metro is here as an applicant or if endeavor is here to open.

[9:43:32 PM]

>> Kitchen: Could I ask a legal question?

>> Mayor Adler: Yeah.

>> Kitchen: So I understand the explanation of what you mentioned in terms of the city's contribution but would it not be appropriate to capture that in this document, since the -- since, just for clarity purposes --

>> The problem with that --

>> Kitchen: Okay.

>> -- Is that we cannot -- we can only budget that money through the budget process.

>> Kitchen: Okay.

>> Only budget one year at a time, so it's up to the city, to the council, to budget that.

>> Kitchen: Okay.

>> So that would be done separately, and it would be then because of the way this is set up, if you wanted to get that matching amount, it would be important to budget it so that it would have to be paid.

>> Kitchen: Okay. I understand that. I'm just wondering if there's someplace that we can capture that understanding in writing. Because there's -- as you can see, there's confusion, obviously. So what piece of paper could -- is there someplace that we could capture that?

>> What we can't do is bind the council to budget it.

>> Kitchen: Right.

>> But it's possible that -- I think that might have been where the resolution was trying to go, and maybe we can clarify that number 40.

>> Kitchen: Okay.

>> The resolution is indicating the council's intent to actually budget that money for this purpose.

>> Kitchen: Uh-huh.

>> And we can -- when you're talking about number 40, that might be the place to do that.

>> Kitchen: Okay. So maybe we could work with the language in number 40 to make it clear that we're talking about contributions from all three entities in order to trigger the additional height. Okay.

>> Yes.

>> Kitchen: How can we do that?

>> Mayor Adler: Can you work on that while we're taking testimony?

>> Sure.

>> Mayor Adler: All right. Thank you, Mitzi. Yes.

>> Do we have a sense of how many affordable houses that would give us if we decided to go down that route?

>> Mayor Adler: Do we want to call up housing?

[9:45:33 PM]

>> Yeah.

>> Mayor Adler: Can housing come up?

>> Kitchen: And that's for housing in the area, not -- not at plaza saltillo, it's in the area.

>> Rebecca, assistant director of neighborhood housing and community development department. So we're still looking at and we can look at it from an area perspective, but we are still looking at it if you wanted to invest it there on that site, it's about 265,000 for a one-bedroom, 365,000 for a two-bedroom. However, it is a potential that you would, from a policy perspective, contemplate using it more in the vicinity, in which case it opens up a broader policy conversation around how you would or could define "Vicinity." And we can certainly make some recommendations there. In which case you would be looking at potential for leveraging other investment to get more of the bigger bang for your buck, so to speak. So we can take a look at, for example, what we have leveraged in the area, with other private dollars, where we've been able to invest public subsidy and get you those numbers, but I'm fairly confident that a recommendation to utilize it in the vicinity would be a policy objective I would consider.

>> Kitchen: I'm sorry. Can you give us an order of magnitude or just a range or --

>> So I'm going to just take it on a very broad scale.

>> Kitchen: Okay.

>> We've been leveraging in just public subsidy, for example, with the general obligation bonds -- well, and actually, the 9% tax credit application might be good, too, but roughly for multifamily, \$25,000 a unit.

>> Kitchen: Okay.

>> For subsidizing market rate for just the overall general obligation bond portfolio.

[9:47:33 PM]

If you wanted to get a little bit more micro in what a subsidy or investment could look like, we could probably get some numbers pretty quickly around that.

>> Kitchen: Okay.

>> So I guess what I'm -- I guess what I am potentially recommending, thinking through, in the next little bit during the public hearing, is looking at a policy objective where those funds would be eligible in a -- more of a vicinity of the area, versus looking at it and restricting it just to that on-site. I wouldn't want you to restrict it necessarily, but look at it from the perspective of an area.

>> Kitchen: The proposal on the table is to look at it in the vicinity. So -- but I'm trying to understand how many units that could translate into, and I'm understanding more analysis is still needed, but --

>> Casar: Mayor?

>> Mayor Adler: Mr. Casar.

>> I could probably do some fairly quick analysis.

>> Kitchen: That would be great.

>> After the public hearing and have some numbers for you.

>> Kitchen: That would be helpful.

>> Casar: And to that same question, in that quick analysis, remind me, in the strategic housing plan we generally pencil in, what, 110, \$120,000 for a subsidizing unit? Is that right is this.

>> Yes, right.

>> Casar: So if we're talking about one and a half million, 600,000, just over two million dollars, that might be one way of sketching it out.

>> Kitchen: We also have to remember there would be a city component of another five, so it's 1.5 plus 6, so it's 2.1.

>> Renteria: And I misspoke on the fee in lieu. What we're going to do is actually get the additional tax revenue that would be transferred to a housing fund to make up for that 540, like this resolution and 40, we'd have --

>> Mayor Adler: Then I think the 120 would be impacted is to whether or not you're leveraging that money.

[9:49:35 PM]

So if you enter into certain projects you can leverage that money more than the 110 or 120. Yes, Ms. Pool.

>> Pool: So let me understand the chunks of money first because I'm hearing 540, 540, 540, 540, and 600. And then I'm hearing that well, we can use the 600 to pay our 540.

>> No.

>> Pool: Okay. So then we have \$2 million-ish, and if the units are --

>> Renteria: 2.1 million.

>> Pool: I'm hearing 260 to three something else.

>> Mayor Adler: On site.

>> Pool: 260 to 360 is on site and 110 is in the area.

>> Yes. I think what would be very helpful, and I've got some folks here that can probably do this relatively quickly, is to look at what we have done within the general area and look at the subsidies or

the leveraging that we've been able to achieve, which would give you a little bit more of an accurate depiction to the question of what would 1.5 million get you, number of units, potentially.

>> Pool: Basically you need to drill down on the dollar figure for each unit and do the division.

>> Right. And give you a realistic depiction of what we've been able to do either in that area or a similar area.

>> Pool: Because if it was, like, 150 for each, then that would be 10, with \$1.5 million. Correct?

>> Correct.

>> And I know we've done a number of single-family units but we'll try to get you a little more of an accuracy from the perspective of looking at what we've been able to do for multifamily.

>> Pool: So the reason why I wanted to kind of drill down on this piece is, when we talked last time about not allowing the fee in lieu, if we required endeavor to adhere to the trd regulating plan, which says 15% of the total square footage is to be used for affordable housing units, then we would have anywhere from 28 to 43 more units than what they are -- what they are providing.

[9:51:56 PM]

So that's way more than even the ten, and it would be on site. And so I am having a hard time understanding why we would -- why we would forgo -- why we wouldn't -- I don't understand why we don't hold to the tod regulating plan, requiring that they put what they agreed to, when they first bid on this project with capmetro, which was 15% --

[applause]

-- Of the total square footage on the property, and that gives us more affordable units. And right now, we're getting excited over \$540,000 here and there, and then we have to come up with that amount of money, too, which I'm not entirely sure where that comes from, and it's not going to come from the 600,000 that we're supposed to get for fee in lieu. So, I mean, for me the deal is, we get more -- we get more than twice as many affordable units and we don't have to put any money on the table.

>> Mayor Adler: Hold on a second. Mr. Renteria?

>> Pool: So help me -- help me -- help me.

[Laughter]

>> Pool: I mean that's the deal, right there.

>> Mayor Adler: Hold on a second. You want to let -- Ms. Kitchen?

>> Kitchen: I don't think you're working with the right numbers, councilmember pool. I mean, I appreciate that. And that's one reason that I want to hear back from our staff. The total is 2.2 that we have to look at, not 1.5. And, again, we're also looking at leveraging those dollars. So I'd like to wait before we compare to let our staff have a moment to actually figure out what we're talking about in terms of how far those dollars would go, and then we'll -- then we can actually determine what the comparison is.

>> Mayor Adler: Okay.

>> Garza: I have a question.

>> Mayor Adler: Ms. Garza.

>> Garza: I don't know if this is for law, but I thought the -- this is the third reading. I thought on the first and second readings we did already allocate the additional tax revenue -- no, we didn't because we approved it at 70 and not 125.

[9:54:09 PM]

So I don't know if housing can answer this question, but if the city's contribution of 540 comes from that additional tax revenue, do we usually put, like, a time limit on that? So if we say if it goes to 125 feet,

any -- any additional tax revenue from the 70 to 125 goes to the housing trust fund, would it be for 99 years? So essentially, the city's contribution will possibly be even more than 540.

>> That's right.

>> Garza: Is that right?

>> So as I understand it, it's -- the objective would be to match the 540, and as I understand the fairly rough calculations that have been put forward, it's anticipated to be about \$100,000 the first year, and so it would be, mechanically, put forward during the budget process each year to allocate a portion of those revenues back to the housing trust fund. So assuming it was roughly 100,000 to 200,000 a year, you could realize that matched commitment within five years or less.

>> Garza: But if it continued for 20 years, in the end the city's contribution would be significantly more than 540.

>> Oh, sure. I mean, if you just continued to put those funds or dedicate those funds during the budget process, you could certainly do that.

>> Garza: Okay.

>> Kitchen: That's what the resolution does.

>> Garza: I just wanted to comment, I don't think any of us frankly are excited about any of these options. I'm not -- I'm not excited about 540. I'm not excited about 2.2 million. I'm simply trying to come to a place of compromise and I don't know if we're going to get there.

[9:56:15 PM]

I personally would have hoped, still hope, that endeavor would contribute more.

[Applause] But this is -- but this is where we are now. And so I just wanted to make it clear. Nobody is excited about parts of this plan right now.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I would also like to make it clear that the resolution in front of us is, as you pointed out, not limited to 540. There's no time limit on us. So --

>> Pool: Can I then ask if the city isn't limited to 540 and we would give considerably more than that every time, is that endeavor doing that, too? I don't understand this bit of conversation that just took place.

>> Kitchen: What I'm suggesting is that what we're saying is that the additional tax revenue that would come to us from additional height would be dedicated to this neighborhood. And it would be dedicated to this neighborhood without a time limit. In other words, we're not going to take additional dollars out of this neighborhood and put it somewhere else. It would always go to the housing trust fund but it would always be used for the benefit of this neighborhood. That's what the proposal says.

>> If I could add to that, I think that's within our decision to make. I think -- I think we could say we're going to match the 540, and once it generates 540, and that 540 from the city is put into this area, then that stops going to that area, but we could continue to use the extra revenue to go to any other area of the city.

>> So to answer your question, no, there's not a contingency plan. If the city at the end of 50 years ends up contributing 2 million, endeavor and capmetro has 2 million. That's not part of the plan. At this point it's 540, maximum capmetro, 540 from endeavor, 540 from the city.

[9:58:20 PM]

The city can choose how they -- how they play with that number.

>> Pool: One last question, is that item 40 you're talking about? It's not 62. Maybe we should talk about which item numbers we're talking about because there's four of them in play.

>> Garza: I want to add one other thing. The 540 in capmetro representatives could speak better why that was the number picked, but again, that is -- I have big concerns that capmetro felt that they had to contribute more. It is a public entity. That money could have gone to buy a bus or to buy other infrastructure, and I -- I wasn't a big fan of capmetro feeling like they had to put more skin in the game. But I understand why they did it, because of the commitment to this project, the length of this project, and I would have preferred that endeavor put more, will put more. But that was the position that capmetro was in.

>> Mayor Adler: Okay. Ready? Applicant.

>> Good evening, mayor and city council members, I'm Michelle houseman. We're excited to being one step closer to -- facing our city, the lack of affordable -- affordability and the lack of mobility.

[10:00:21 PM]

Plaza saltillo will be the culmination of two decades of community collaboration and multiple stakeholders. Regarding the discussion on councilmember Renteria's motion, if endeavor elects the option to build to 125, they will pay their portion and capital metro's portion, which is \$1,080,000 and so we can get into that discussion a little further. And I know with respect for time, I know it's late, so I'll just be brief and in conclusion we're honored to have the opportunity to develop plaza saltillo and very much appreciate your consideration of approving this project. We're excited to get started, and thank you very much, and we look forward to answering questions. Thank you.

>> Mayor Adler: Any questions? Yes.

>> Tovo: Mayor, I'm sorry, do I have two questions for endeavor. One is that I think I just heard something that was a little different than what we had talked about before, which is that if they go to 125 feet that endeavor will pay cap metro's portion. Did I understand that correctly?

>> Yes. That was part of councilmember Renteria's motion, where it's 540,000 for endeavor, 540,000 for capital metro and 540 for the city. So as part of his motion, it was -- I will see here on the --

>> Tovo: But I thought I heard and I may have misheard you, but I thought I just heard you to say that endeavor will pay cap metro's portion.

>> Mayor Adler: I think the resolution passed by capital metro that we just got out says that capital metro is forbearing from certain lease payments so money would have applied from --

>> Tovo: I see.

>> Mayor Adler: It's leaving with them and they're making both theirs and --

>> Tovo: Okay, thank you.

[10:02:22 PM]

I see.

>> Tovo: The way that works, mayor. Thank you. My other question, though, had to do with the bedroom, the bedroom size. We had another case recently and we're gonna have here one this evening where we'll have an opportunity to talk about the competition of those affordable units and I'm prepared to make an amendment on a later case to specify that 4050 of the affordable unit should be two bedrooms or more. It seems to me more important in an area like plaza saltillo where you have neighborhood schools dropping in enrollment, an extreme challenge to try to keep families with children in our central city neighborhoods, including and especially this one. I am happy to see some specification in part 2b of the 41 units, but having just two be two bedrooms isn't very much, and so could you talk us

through how you arrived at two and what is the anticipated bedroom count of the units overall? Of the market rate units.

>> Sure, I'd be happy to explain that. He's gonna bring up a slide in just a moment. So there are three separate ordinances, and tract one, two, and three, which are the first three blocks off of I-35 is in one ordinance. Tract four and five is in another. And then tract six is in another. So when you have these three separate motion sheets there are three separate ordinances. So when presented on first reading -- and second reading, when the project was going to to 125 feet we offered to have an affordable two bedroom units in tracts 1-4 for a total of eight two bedroom units, and two affordable two bedroom units in tract six, for a total of 12 two bedroom units.

[10:04:30 PM]

With keeping the same 141 total units. So this was to add, instead of having one bedrooms, it was to add these additional two bedroom units. So that's why the three separate ordinances say two, but it's a total of six. And the goal is to have a total of eight. So I apologize for that being confusing, but it's because they're in separate ordinances.

>> Tovo: So there will be a total of eight out of the 141? Out of 141 units there will be eight that are two bedrooms or more?

>> It's not -- let me get endeavor to come answer that question real quick.

>> The number on the total 141 would be roughly 20 two bedroom units.

>> Tovo: Is roughly -- by roughly do you mean a minimum of?

>> No, I do not.

>> Tovo: What is the snapple.

>> The minimum is six two bedroom units.

>> Tovo: So even with the change that councilmember Renteria put on the table, we have a certainty -- at this point just a certainty of six units of the 141 that would be two bedrooms or more? Of that total amount.

>> Currently block six has 12 two bedroom units planned in it and is in design stage so those units should be able to remain, which will be 12. Based on our 80/20 mix of one bedroom and two bedrooms, that would be an additional eight affordable family friendly two bedroom units. In addition to the market rate two bedroom units, additional 130 market rate family friendly units as well.

>> Tovo: I think what I need to hear from staff and we have other speakers.

[10:06:35 PM]

There are a lot of numbers moving around, and what I would like is some certainty to the number of -- the number of two bedroom -- the minimum number of two bedroom units that can be expected both within the market rate and the affordable units. And so I don't know if that's our housing staff or our planning staff, but if you can help us, given the number of ordinance -- since we have this split into three different ordinances and we're receiving -- we're receiving numbers that are both about the design as it is currently and that is different from what is really codified in the ordinance. I need some help understanding. If we were to start talking about bumping up that number of two bedrooms, where we would do that. And, again, we have other speakers and so I'm happy to hear from those speakers and revisit this in a bit, but it's -- unless you have an answer to that now.

>> Mayor adler: it is now 10:07. Is there a motion to extend the meeting past 10:00? Administrator makes the motion. Is there a second? Administrator makes the motion. Is there a second? Ms. Garza seconds. Discussion? Those in favor please raise your hand. Those opposed. Kitchen, alter and troxclair

voting no, 8-3. We're extended. And you want to thank -- Ms. Houston abstains, 7-3-1. Actually, 6-3-1 with councilmember Flannigan off the dais. It passes. All right. Let's continue on with the speakers.

[10:08:43 PM]

First speaker is Gus Pena. Is he here? Next speaker is Gwen o'bar. Is bill o'bar here? Thank you. Ms. O'bar, you have six minutes if you want to take it all.

>> Thank you.

>> Mayor Adler: Council by way of budgeting, we have estimate of about 63, little over an hour of testimony in this case, and then in the next case, Austin oaks, an estimate of almost two hours. Please proceed.

>> Thank you, mayor, councilmembers for allowing me to speak. My name is Gwen o'bar and I live five blocks from the plaza saltillo development. The resolution before you tries to address the lack of community value that my neighborhood should receive from endeavor. As a result of the entitlements that they're requesting for the plaza saltillo development. On the surface this resolution might sound wonderful and make people question why would anyone not be in favor of it? Let me try to explain the option of this resolution and why it might be construed as unacceptable in its existing form. But remember it can be fixed. First off, this resolution let's endeavor off the hook. They are the company along with their investors who will benefit financially from the entitlements they are requesting. Greater density through cure, neighborhood incompatible height and less affordable housing than the tod requires. They are simply not being required to provide the community value of affordable housing per the city of Austin's plaza saltillo tod.

[10:10:49 PM]

Secondly, why tie the funds for this resolution to additional neighborhood incompatible height? If this is truly about affordable housing in our plan area and not about forcing central business district heights on our neighborhood, then have the right solution tie the funds from this development to affordable housing in our plan area without a reference to height. I mean, there's already a 2016 resolution that takes 100% of the funds from lands like plaza saltillo for affordable housing, just not directly to the plan area. Thirdly, this resolution takes the council's and the public's eye off the real issue with the proposed endeavor project, lack of community value for their requested entitlements. Not enough affordable housing is a problem, and not just for east Austin. That can be partially remedied here by enforcing tod requirements for this developer. A resolution that increases affordable housing in a planned area without being tied to additional height would be an irrefutable movement by this city council to increase affordable housing. And, lastly, this resolution is asking the taxpayers to provide some of the additional affordable housing that endeavor under the tod is required to provide. Endeavor simply has provided the required affordable housing. Tying height to affordable housing in the plan area reminds me of what capital metro did when they agreed to forgo revenue on this project. In order to get a living wage for the works on the project. Rather than insisting that a company as successful as endeavor do the right thing and pay a living wage to the workers who will build this project, capital metro ended up picking up the tab so as to increase the wage to living which is now also on the taxpayers' dollar.

[10:12:54 PM]

When I read this resolution, I wondered how the council, both those who cosponsored and those who didn't, might vote. I realize that most would be in favor of additional affordable housing funds, as most of you have spoken loudly and clearly about this need. Not only today, but for quite some time.

However, I wasn't sure how you would vote based on the neighborhood compatibility of the height. So I looked up remarks y'all have made regarding the importance of neighborhoods. Most of unintelligible we need to make -- you believe we need to make growth pay for itself, need to stop give-aways and need to stop using public incentives with community benefit being offered in return. I know it's important for you to live up to these promises, as well as I know it's important that your constituency see you doing so. Therefore, this makes me hopefully optimistic about your votes on this resolution. Let me at this time thank councilmembers and their staff for taking time over the past few weeks to discuss our concerns about this project, as well as discussing the severe deficiencies that we see this resolution improperly addressing. The concept of a resolution being used as the tool to fix the deficiencies of the proposed endeavor cap metro plan changes begs a discussion. Resolutions are nonbinding. Resolutions do not require a vote by this city council or any future city council in order to be ignored. The funds for this resolution, like all resolutions, can also be altered by the city manager during budget negotiations when budget constraints are likely to arise. When the mayor took time last weekend to discuss this resolution, along with other plaza saltillo plan changes and concerns, with me and others from the neighborhood, he confirmed that he's presenting a resolution instead of the more powerful ordinance due to legal issues.

[10:15:09 PM]

At that time -- at this time I want to express my thanks publicly to the mayor for taking the time to talk with us. However, the difference between an ordinance and a resolution matters, and in this case it's obvious that a resolution, which is really the only option offered and really the only option you have, is severely tilted in endeavor's favor.

[Buzzer sounding] I get three more?

>> Mayor Adler: No. That was six.

>> Oh. Oh, sorry. I obviously didn't time this. If the city decides the money for affordable housing in this resolution must be decreased, that can be done. If the resolution were done as an ordinance it would at least require the council to vote to authorize any changes and how they're used.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you.

>> I can give you time.

>> Mayor Adler: Would you give the clerk your name? Thank you. You have three more minutes.

>> Thank you. This resolution cannot offer the protection for affordable housing. While it does guarantee that endeavor and capital metro's building will be built. If this resolution is passed without an amendment to delete the height requirement, then endeavor and capital metro will have the additional height.

[Indiscernible] Are not guaranteed so the affordable housing may or may not be in therefore in the future. Under this resolution the affordable housing will be subject to the whims of future councils and other budget constraints. I'm requesting like many neighbor residents that this ordinance not be passed in present form. Delete the dependency on additional height requirement. Let endeavor and capital metro proposed project changes stand up alone for they come up for a vote. Let this city council's legacy be true, affordable housing, without the destruction of neighborhoods by holding developers accountable.

[10:17:12 PM]

If you decide to pass a resolution, make an membered one and then detailed really be a wonderful resolution. There seems ton little money for affordable housing this city and our neighborhood desperately needs. What is available is money for development and a red hot real estate market on the east side. Those that profit from developing these limited resources should include the cost of affordable housing in their original bids for their projects. They should not promise 200 and lower it to 141 and now additional height and give enough money to barely buy two units in the plan area? This council will have a legacy as affordability is the problem to be solved. I expect this council will find the answer, and I expect the best answer will be holding developers accountable to their plans. Thank you.
[Applause]

>> Mayor Adler: Thank you. Next speaker is Kristin Hoda.

>> [Off mic]

>> Mayor Adler: I'm sorry?

>> [Off mic]

>> Mayor Adler: That would be fine.

>> Good evening, thanks again for the opportunity to speak before you all.

>> Mayor Adler: Mr. Valero, is bill donating time to you? Okay. Thank you. You have six minutes.

>> So I sympathize with you, councilmember Garza, that no one seems to be excited about this except for I would dispute one point on that, is that if endeavor is only required to give \$540,000 for all the additional entitlements they are getting, their investors will be very excited about that.

[Applause] And so I really feel like it's back to the question of are we getting the best deal? I feel like the city, capital metro, the community are jumping through hoops to try to get the best deal, and it's up to endeavor to line those hoops up.

[10:19:17 PM]

And so I think we really have to focus on enforcing the regulating plan because that's the choice you have. It is a relating plan that was in existence at the time of the proposal. It was a regulating plan that endeavor knew about and it clearly states 15% of the entire square footage. It's always been there. They've always known about it. And now you have to choose whether you're going to enforce that regulating plan. And if you choose to not enforce a regulating plan, what you are saying is we are never going to enforce the plaza saltillo regulating plan. And that falls into the unfortunate narrative that development in east Austin is different, that the rules don't apply in east Austin, and I really do feel that part of what 10-1 was about was to change that narrative. And if we are not enforcing the rules in east Austin, then with respect to development, the 10-1 system really -- didn't really change anything. And I say that commending this council on so much that it is doing in other areas for affordable housing, for immigrant rights. It is definitely a different council. But on this point of development, are we really moving the needle? Are we changing the way it goes about? And so that's your choice. Are we gonna enforce the rules for everyone across the city? The same as we would in west Austin, the same as we would in east Austin.

[Applause] So it's still not entirely clear to me where capital metro's payment would come from. If that's just their lowering the lease to endeavor or not, whose bottom line that's coming from. I think that's an important point. And so I say all of this with if you do decide to move forward on the resolution, I understand that that would be a compromise and that it is better than nothing, but I think we can do better than that.

[10:21:21 PM]

And so I ask you to enforce the regulating plan, require the 15% on the entire square footage, and thank you for all of you who have been working with us to try and find a resolution to this. Thank you.

[Applause]

>> Renteria: Mayor.

>> Mayor Adler: Administrator.

>> Renteria: So are you saying that you're willing just to forget about the added money for affordable and just go with the 70, 68? I mean, it's either that or adding additional
[indiscernible]

>> I know I remember that the regulating plan is still not enforced, and so I would go back to enforce the regulating plan, require them to provide the 15% total scootage and I know that --

>> Renteria: So you aren't willing to wait another three years? And not do anything? Yes, I mean, that's the other option, not do anything and wait another three years and have them go through the whole process again.

>> If it gets us more affordable housing then maybe that's what we should do.

>> Renteria: Thank you.

[Applause]

>> Mayor Adler: Okay.

>> Mayor, I'm going to give her my time.

>> I should have a total of nine minutes.

>> Mayor Adler: Is Alissa Montoya here? Is Stephanie Ashworth here? And Joanne Estrada. Okay. And --

>> That should be sufficient.

>> Mayor Adler: I have also Javier arta.

>> He's not here.

>> Mayor Adler: Okay. You have 12 minutes.

>> I should only need nine so I'd like to return the additional three -- well, we'll see. Good evening, council. Again, you know me. My name is Kristin, d3 resident, I've been here before. Thanks for hearing our concerns again. I'm hear to speak in opposition to plaza saltillo item 40 and related agenda items.

[10:23:21 PM]

To recap the proposed plaza saltillo plan before you today is not the same as originally proposed and it does not comply with imagine Austin, the east Cesar Chavez neighborhood plan and the plaza saltillo station area plan all of which strongly emphasize the importance of maintaining neighborhood scale, character and culture, family friendly features and housing affordability. At the last hearing several councilmembers indicated a desire to see endeavor provide more community benefit in exchange for the lucrative entitlements they're requesting. I'm glad capital metro has \$540,000 but to any way doesn't seem like a whole lot, that's not what we think of when we think of community value in -- and the adherence to the regulating plan. I'd like to reiterate that the host ecc community does support the original 2014 plaza saltillo plan and even their request to increase heights to 68 and 70 feet across the board. We do want to see it ham but we're overwhelmingly opposed to the changes and subsequent entitlement requests before you now. Tonight I urge to you enforce the plaza saltillo regulatory plan and oppose agenda items 40, 62, 619-2064, including the one calling for approval of the 125-foot office tower proposed by capital metro and endeavor at plaza saltillo. This resolution is premised upon forcing the unwanted 125-foot tower on the community. And, worse, it let's endeavor completely off the hook for providing any substantive community value in the form of an increase in on-site affordable housing in exchange for these entitlements. This -- the resolution unnecessarily ties the 125-foot height entitlement to property tax funds diverted to the housing trust fund but honestly council can accomplish

this same goal with an 80-foot building. It needn't be 125-foot tall. I know the resolution is designed to give the appearance that more affordable housing is in play with this deal.

[10:25:25 PM]

It falls short of providing affordable housing increases on-site. As you know we already have such a resolution on the books. The 2016 resolution 20 -- already accomplishes what this new resolution proposes by diverting property tax revenue to the housing trust fund. The only difference is this new resolution directs money to be spent in the plan area only and only those derived from the additional height beyond 70 feet. As Gwen mentioned earlier a resolution is not a guarantee. It is a nice gesture, and it demonstrates good intent, but it is not binding. As is an ordinance. A resolution can be changed at any time, without a vote, and/or by the city manager at budget time. Enacting this resolution only sets the community up for yet more broken promises from the various entities involved. Endeavor engaged in a highly competitive public bidding contract and only narrowly won. Endeavor and capital metro are now engaged in re trading. Re trading is bad enough as it is but the fact that it's being done at the behest of capital metro, a public agency is serious cause for concern. Under the current proposal, endeavor is getting a sweet deal and the city is getting embarrassingly little in return for these massive entitlements. I understand the need for capital metro revenue. Capital metro is also offering endeavor a rock bottom lease over the course of 99 years and agreed to make more concessions if these entitlements are not approved here tonight. I'd like to quote from a March 2016 Austin arbitration less certain is the annual rent that endeavor will pay to capital metro during the proposed 99 year lease. The first year rent could be 1.256 million and increase at a fixed rate for five years. After that the rent increase is linked to variables of the site performance.

[10:27:30 PM]

The rent will never decrease. However, that initial number could end up being lower. Endeavor is seeking zoning variances from council in order to exceed existing height restrictions. Here's the important part. If those efforts fail the first year rent will be revised downward. So that's on us. As taxpayers. And capital metro. It would seem capital metro struck a bad deal with endeavor and now the city, community and taxpayers are expected to shoulder that burden. As capital metro makes concession after concession to satisfy endeavor all the while the developer refuses to release financial projections or disclose the profit margin on this project and that's highly suspect. Endeavor new the requirements when bidding on this contract in this highly competitive public bidding process and now that they have the contract they want out of the regulating plan to maximize profits, again, re trading. Council speaks regularly about the need for more concrete affordable housing. Why then settle for a \$600,000 fee-in-lieu and two payment of \$540,000 when you could mandate 27 to 43 additional affordable units on-site by enforcing the regulating plan and requiring endeavor to provide a minimum of 15% affordable housing based on the total square footage of the land parcel instead of the much smaller residential percentage. No doubt the competing bidders are still available and would likely be thrilled to have another shot at this contract should endeavor continue to refuse to cooperate with the regulating plan. So I'm frankly -- I don't think it would be a three-year wait, you know, and as Jose mentioned sometimes it's better to wait and do it right than rush something through. This is a bit of a boondoggle and approving this sets a seriously bad precedent for future public land development projects by rewarding endeavor for gaining the system. You can be sure that other developers bidding on public land development projects will take note of these tactics and you'll be going on record as voting for a give-away that does not produce tangible affordable results on the ground, directly concrete.

[10:29:37 PM]

Yet some still appear poised to improve these entitlements for a fee-in-lieu for which there's no compelling reason, the allure of additional tax revenue and vague promise of increased renter-ship. The provision of tax revenue is not the mission of the TODs on public land, however. The mission and goals of the TOD are to enhance community character and enable community members to raise their families and age in place. The current proposal does not provide the benefits we expect for this public land parcel nor does it fulfill the goals and missions of the TOD. Further the purpose of a central urban redevelopment cure combining district is to promote the stability of neighborhoods in the central urban area. A cure combining district may be used to promote neighborhood stability, affordable housing and neighborhoods serving small businesses, to encourage high quality development proportionate and compatible with the neighborhood. This project does none of these things, and does not meet the standards for cure zoning. Moreover, cure zoning sets an unwanted vertical density and upzoning precedent for future development in our host community, threatening the adjacent residential neighborhoods. Cure allows density and height bonuses that can continue to change once the cure overlay is adopted for a parcel. Given the radical changes we've already seen from Endeavor it's reasonable to fear that cure zoning will result in even more changes on-site that are highly compatible with the host community. Downtown parcels can no longer use cure to get far and height bonuses, they must use the density bonus program. Ironically, the very areas where council professes to concern about rapid gentrification are the very areas where cure is still in place. In east Austin along east Austin corridors and now here in the Plaza Saltillo TOD. We are already under siege in our community by developers, the encroaching East Sixth Street and Rainey Street Entertainment Districts and I will say our community has embraced more density than anywhere else in the city.

[10:31:46 PM]

I can provide you with a laundry list of both residential and commercial developments subscribe to various news outlets and you'll get articles detailing the number every day. Endeavor has an office building on Sixth Street they're building as one small example. So this kind of encroachment and upzoning is exactly what pushed out Rainey Street residents, which is even a less intensive zoning category and shortly thereafter the Rainey Bar District moved in. We don't want to share those former residents' fate. In sum please reject this resolution. You cannot enforce it. We already have a similar resolution on the books it's a smoke and mirrors effort to design to lend the appearance of providing more money for affordable housing while doing actually -- doing nothing concrete to provide affordable housing on-site. It also forces an unwanted high-rise building on the community pushing downtown into east Austin. Please reject this fee-in-lieu density offer and instead mandate that Endeavor follow the Saltillo Relating Plan, providing 15% affordable housing units based on total scootage, not solely on the residential square footage. And please vote against this 125-foot tall precedent setting office building less -- office building of 80 feet still still financially benefits Capital Metro plenty. And, again, please vote T O P S E T S cure rezoning request. Please honor the original Saltillo regulatory plan so as not to negatively impact adjacent residential communities if you do move forward on this resolution tonight, however, I beg you to get it in writing. We have seen so many broken promises already with this issue. We have spent so much time as Councilmember Houston noted in her first -- in our first hearing, you know, we're not paid lobbyists to be down here every day schmoozing with you guys.

[10:33:53 PM]

We are community volunteers, we have jobs, we have families, we're in school. We just can't compete with that machine. So please get this in writing. I beg you. I don't trust that it's really gonna go through if you don't. Thank you.

[Applause]

[Indiscernible] Delgado. You have three minutes.

>> Hello, I'm Bertha delgado. We are here with our team with ecc, we are neighborhood volunteers. We work on these issues daily. This development we already know the history about it. I'm not gonna recap it. You all know the history of reAustin, I'm not gonna recap that either. I do want to show you that what will they ask for next? What will they ask for next? If we approve this and we allow them to come and redevelop and go to a height of 125 feet, we're not just allowing downtown to come into east Austin. Every project we're gonna be facing we're gonna be here doing the same thing. Every project that comes this way.

[Applause] We need your help. We need councilmembers, district members, our mayor, to protect our area. Our area is a red target. We're red zoned. We're being hit left and right. Every development that's coming this way, we want to be on the table. We want to negotiate. We want the 25, 15% affordable housing. They keep changing it. We can't even keep up. We want our units to be two bedroom. We want our families to stay there. This high-rise is not a condo for units. This is a business building that capital metro is gonna be sitting in and it's gonna be blocking our view to downtown.

[10:35:54 PM]

Because we live in east Austin, we do not have to accept this. We can fight come back that's what we're doing. As a community we have united together. We have worked on this. We've been working on it since last year. We are exhausted and we're tired and we're needing y'all to protect us and have these people, these developers, stay at the tod regulations. There's a plan in place. Why do they get special recommendations? Because they're sponsored by capital metro? No, that's not fair to us. We're asking that y'all give us an equal opportunity so we can be able to stay in our community. This is not just gonna rise the taxes even higher and push out the people even more but we're not gonna have any time of -- we're not gonna be involved in this at all. These units are not for us. They're not bringing our families back. They're not for us to live in there. The market rate units, look at the plan that's in front of you. This is your job. Your John is to protect our neighborhood, to keep the quality of our neighborhood what we need. We need to preserve east Austin. This would open the flood Gates to downtown coming this way, and I know that y'all are overwhelmed and I know that we're trying to find an expansion for downtown. But this is gonna take a process and it's gonna take a while and we need y'all to be on our team as well. We can be up here all day fighting these projects over and over and over but are they listening to us? Do they care about what we have to say? Are we on the table negotiate are my families gonna live in this unit? Are our families gonna live in this unit? What's gonna happen to us? This is a big development, and they're buying more property. Endeavor is buying more property around east Austin. Thank you.

[Buzzer sounding]

[Applause]

>> Mayor Adler: Phil Thomas here? After Phil Thomas, Jeanine Bergin is on deck.

[10:37:56 PM]

Sir.

>> Good evening, mayor, mayor pro tem, city monies. I'm Phil Thomas, resident of district 3. First like a lot of my neighbors, I want to thank the mayor and the cosponsors for working with us so diligently over the last two or three weeks. We really do appreciate the opportunity. Last Friday, our group learned of a

resolution, number 40 tonight, that had been added to the upcoming city council agenda. The resolution appears to direct tax monies from the planned plaza saltillo development to be reinvested in affordable housing in the ecc planning area. While tax moneys are already being directed into the tod for that purpose. This resolution singles out the controversial proposed 125-foot tower. More specifically, the top four stories of the office tower proposed by endeavor. Also, we found that the resolution would not actually be binding. Moreover, it could be altered administratively by successive city amendments or councils. Only a possibility that an undetermined amount of funds may some day be directed into the affordable housing -- that's what we're looking at right now with this resolution. The resolution touts using taxpayer dollars to boost affordability. There is no guarantee of exchange for entitlements given. This resolution is a souffle. If you poke this resolution, it falls flat. So please tonight do not support this resolution and please do support adherence to the regulating plan. Please put community back in community value. Thank you for your service and your time.

[Applause]

>> Mayor Adler: Thank you.

[10:40:02 PM]

Jeanine Bergin passes so then we go to Anna de Freitas. Synovia Joseph is on deck.

>> Thank you. Good evening, mayor, councilmembers. My name is Anna de Freitas, co-chair of the coalition, standing here today in solidarity with my neighbors from ecc and east town lake neighborhood association. And one thing that we all have in common is our request that this project adhere to the tod regulating plan calling for 15% affordable housing using the total square footage. It does feel to me like east Austin is being treated differently than other parts of town. And I do think we ever setting precedent here today, and we're setting precedent with a bar that is arguably higher because we have a public entity at play here, and that's capital metro. I want capital metro to be successful. I rely on the good work that they do. I want this project to be successful. I don't know that we're getting the best bang for our buck. I got really excited, I have to say. I also heard endeavor say that they were going to cover capital metro's 540 million. That's how I heard her at the beginning of her testimony. I now know that's not the case, but that would be lovely. I am the mother of a 5-year-old. I live across the street from one of the neighborhood schools in the area. Last year they had to combine first and second grade classes because of the decreased enrollment. I'm alarmed to hear that the minimum two bedroom units for this project would be at six.

[10:42:08 PM]

That's completely alarming to me. If this resolution does pass, despite our opposition to it, I really want to know more about the types of subsidies that we could leverage. I do see this as an opportunity in some ways. I just that I it was a really unhealthy process to get to this point. I don't trust endeavor as a community partner. And I want to. That's all. Thank you for your time.

[Applause]

>> Mayor Adler: Angela

[indiscernible] Is on deck. Ms. Joseph.

>> Thank you, mayor, councilmembers. I'm synovia Joseph. I know that last week, mayor, you mentioned -- you didn't say chaos, but there was some consternation on the dais trying to understand capital metro, and I think it's important for you to understand how they gathered their data. I know that councilmember Flannigan said that his office is often interested in how the data gathering analysis is done. I want you to recognize that when capital metro did their surveys, they actually gathered information from white women predominantly who earn \$100,000 and had access to two vehicles. And

so that does not represent the transit-dependent person. It does not represent the people that you're try to get affordable housing for. So I just want you to know who the target audience is for capital metro. I want you to understand also how they do their math. Even though you heard last week that the numbers were important, I want you to understand that that's not necessarily the case. Next slide. If you look, I'm gonna just use the example oftentimes councilmember Garza would ask about this route 820.

[10:44:13 PM]

She's not here, but she kept asking and asking. They finally said, well, it's cheaper. Well, it may be cheaper, but if you look at the ridership it's 306,000 and it would increase to nearly 3 million. How did they figure out the math? Next slide. If you look at -- on the north side, the way that they did the math, they cut a couple routes but if you look at some of these circumstanceulators, you'll see that they have circulators that will cost nearly \$2 million, \$1.7 million. Lots of money. To serve ten riders an hour. Next slide. If you look at the routes that I constantly talk about in north Austin, you'll see that those riders, 19 per hour, 15 per hour. But they cut those routes in order to save the manor route, \$225 a rider because only 0.3 people ride. How do they do the math? I don't know. And the 214 northwest feeder, that's the cedar park bus, ACC. Why did they keep that bus after removing it in November and restoring it in December? Perhaps it's because they get \$19,000 for 1/26 of the stops. Next slide. If you look at the university of Texas at Austin, they cut this particular bus route, the intermural route, and then they restored it in December without informing the public and why on Earth would they do that? Could it be because they have \$19,150,000 contract with the university of Texas? You can remove the slides. Mayor, I just want you to understand, when you mention gentrification, I totally appreciate that. But gentrification is not something that's the focus of capital metro.

[Buzzer sounding] Unfortunately they are focused on white millennials who earn \$100,000. Thank you.
>> Mayor Adler: Thank you.

[10:46:13 PM]

[Applause] The next witness --

>> Hi, Angela [indiscernible]. I just pretty much represent someone who could be easily gentrified. How about that, keep it simple. First I'll ask, mayor, when we're here we respect each other. I saw that and I want to llp each other, okay? The other thing too, is I'm here to speak on behalf of the people around these projects, right? And there's an algorithm that's being used for property taxes. And any time a project like this goes up, it changes that algorithm around that project as well. And so you can't pay Peter to pay Paul and you're gonna create this affordable housing and then you're gonna push out the people next to that and that's an issue also. We've been seeing that quite a bit. So, again, I represent Sana as well coming in but the thing about this is that you don't have a real broad representation of people that are getting impacted by these changes, and I'm not saying we don't need affordable housing. But just tonight I got so many different stories from both sides and nobody is really consistent about what actually is happening. And there was changing up here as well. I think tonight I don't think you really have enough information to be able to pass it through. I mean, right now, there's just so much inconsistency. One moment we're gonna hear they're gonna match something and I heard the same thing mayor pro tem heard and now they're not matching it exactly. See how it's so inconsistent. I was sitting down with the other group and endeavor and everybody was like we're confused, this is not in writing, we're confused here, this is not exactly in writing and we're not going by the regulated plan. You see how it's all over the map? We're asking you really take time and consider this because people are confused right now. I'm confused sitting here tonight. Thank you so much and y'all have a great night. Thanks for all you do.

>> Mayor Adler: Thank you.
[Applause] Mary [indiscernible]
>> She already left.

[10:48:14 PM]

>> Mayor Adler: Okay. Karen palp and Ken Johnson is on deck.
>> Good evening, mayor, mayor pro tem, members of council, my name is Karen pop, I represent myself tonight. As you indicated two weeksing what you last considered this, mayor, this is a special location, and I felt that way for over two decades since I've worked in that neighborhood. It's a special location and it has to do with preserving affordability for all of east Austin. It's the heart of east Austin. I work as an affordable housing advocate on the adoption of the tod ordinance a few years ago when I remember, as I recollect it called for total square footage, not just residential as the basis for calculating density bonuses or fees-in-lieu. I also recall when capital metro awarded the development contract to a particular developer that there was a promise of 25% but now we hear a fine print rationale for why that 25% doesn't apply. I echo councilmember Garza's sentiment it feels like we're being asked to settle for something instead of stepping back and getting the type of development we ought to get on this property. Cure is being used here and I thought someone made a good point about how we've taken out cure for downtown but left it in place for east Austin. Cure was kind of the beginning of density bonus programs. It called for community benefits. But we never got a community benefit of affordable housing so we started adopting density bonus programmes with specific criteria to provide for affordable housing. But here we're looking at not following that, and if we don't follow the requirements of these, we set precedent. So I went back and picked up a quote from former councilmember kitchen Duncan and his testimony, quote, I have never seen a project in my career where you double what you're giving them and they're taking back what they're supposed to be giving you.

[10:50:26 PM]

I think there's a serious question here and we don't want to set any precedents, and a lot of other speakers have spoken that a precedent would be set if we don't follow the regulating plan and the density bonus ordinances. To sum up I'm asking the city council not to settle for fine print rationales or interpretation. Settling for these fine print interpretations amounts to excluding low-income people, especially low-income families from the heart of east Austin. I ask you to hold off zoning and certainly hold off third reading until you have a proposal that fulfills the intended transit-oriented district affordability goals.

[Applause]

>> Mayor Adler: Is Ken Johnson here? And then Evan gill.
>> Good evening, councilmembers. I'm speaking tonight on my own behalf. I know I spoke a few weeks ago on behalf of friends of Austin neighborhoods but tonight I'm speaking on my own behalf. I know there's a perception that a lot of -- that there have been promises that have been made and broken and I am sympathetic to those concerns. But I think that we really need to focus on the options, the viable options that are before us tonight. The 125 feet height will bring in additional revenue for capital metro which is very cash strapped agency and for the city of Austin as well. And I don't think denying the height increase really accomplishes anything. I don't really view 125 feet, which is gonna be about eight or nine stories right next to I-35 as any sort of a burden.

[10:52:35 PM]

I used to live at -- near 11th street and 35 so I used to live within walking distance of this proposed tower, and I don't think it would really -- I really do not follow the arguments that it would somehow compromise the character of the area. Because, I mean, it is an urban neighborhood. I don't think we should be punishing our transit agency for misunderstandings that have happened in the past. And I think, you know, there are really three viable options. One is to approve the project with the height increase, which provides more money for the transit agency and tax revenue, additional tax revenue for the city. The other viable option I see is denying approval of this project, which I think really just sets the whole thing back and, you know, delays getting affordable housing units on the ground that are desperately needed. And I think, you know, the best option to me seems to approve the height increase, though I am sympathetic to concerns people have expressed. I just don't see any other options, and I hope that you allow common sense to prevail and vote to approve the height increase this evening. Thank you very much.

>> Mayor Adler: Thank you. Ken Johnson. And Michelle scelding is on deck.

>> Can I swap spots with Ken some.

>> Mayor Adler: You can. Then Wayne Jeremy I think may be the last speaker.

>> Good evening, mayor, mayor pro tem, councilmembers. My name is Wayne Jeremy and I'm with Austin habitat for humanity. I'm also a resident of district 3 and worked at field restore in the old habitat office right down the road. The past three years we've been working with endeavor to help plan for this development on capital metro's long vacant land in the saltillo tod by I-35 and downtown.

[10:54:43 PM]

We're now working with endeavor to manage the compliance for the 41 floating units. I want to point out those units being floating is a great property at this project and specific to this project that is not sequestered so just want to point that out. These folks enjoy all the same amenities as the folks living there and the eukaryotes are gonna be the same units everyone else is living in, it's not a lesser unit, which is sometimes the case. I want to encourage your support and ask for your support on this project. I do think it's a good project. I think, I mean, right now it's a vacant tract of land and I know how hard it is to develop in that area. We're developing what was the old lumber yard at the restore right down the road there, and it's tough to do this stuff and get all the pieces to match, and I think this sounds like a good compromise. And I would encourage you guys to support it. So thank you.

>> Mayor Adler: Thank you. Ken Johnson. Go ahead.

>> Hi there. Good evening, mayor, mayor pro tem, councilmembers. I'm Michelle scelding. Thank you for the opportunity to speak this evening. I'm honored to be here tonight to speak in support of and support of plaza saltillo. I was formally with the chamber of commerce and I was leading the start-up innovation initiatives for the past three and a half years. Today I'm here representing myself as a taxpayer and advocate and active member of innovation and creative community. As I sort of look at the issues we have on tap for this evening and what you're addressing, and I know from working with y'all that you have adequately listened to the community and addressed the needs of the community going forward in terms of declaring 2016 the year of mobility and 2017 the year of affordability.

[10:56:55 PM]

The most -- the most impressive issues on our agenda. So my question is, how can we as a city turn down millions of dollars of revenue we'd receive from a developer for having an eight story versus a four story office building on a property adjacent to 35? To vote no on the height would contradict the intent of these pressing policy initiatives. For a quite benefit analysis, the benefit of 125-foot office building, an office -- eight story office building is a gain of four stories. It's just 4% of the project site area. The

daytime use of the project supports the creative vibrancy in the neighborhood. In comparison, there's an rbj building when which you know of, public health 16 stories just nearby. This is just eight stories. On the west side, to compare to a CBD building, it sits at 27 stories it's inevitable, the difference between the four and eight stories. Additionally and quickly to point out a few additional points, capital metro on the mobility side would get an additional -- with an additional four stories get an additional 36.6 million over the term of the lease. On the football side the city would get an additional to 1.6 million that would go to the affordability trust fund, in terms of -- so this revenue to capital metro, the city of Austin, aid, and Travis county will improve mobility, affordability, and education. An eight office story building versus a four story will provide the financial assistance to address our city's most pressing concerns. The revenue will reduce and lessen the burden on our hard working middle class austinites who need it the most and of course be a benefit to the creative class and entrepreneurial spirit of Austin.

[10:59:02 PM]

With the creative office space, the retail --

[buzzer sounding]

-- The bikeway all on the transit line. Thank you so much.

>> Mayor Adler: Thank you. Ms. Johnson.

>> Mayor, maintenance, councilmembers, my name's Ken Johnson. I'm with the office of architecture.

Thank you for allowing us to persistent our design again. I'm part of the team of architects and designers who worked diligently to Mike this the best and most meaningful development that we could. Our design invokes the presence of the rail yard and heritage of the neighborhood. It's studying the immediate area, older buildings, including the humble metal working sheds and where the design starts. We're excited to incorporate art on a very large scale throughout the project. You can see examples of art inspiration up on the screen. We worked hard to create a design we hope will not look like it was built at one time and from only one voice. The design includes variations in scales, size, opening, buildings that are broken down as you go through the project. They step down at the pedestrian paseos where you see two stories over retail in the renderings. Unique store fronts for eve tenant reinforce the diversities of businesses giving an opportunity to collaborate for the overall growth in building design. Walkup patios tied residents to paseos while the public can turn off the east-west boulevards and enjoy the pace. Neighbors enjoy access to the part which context the rein have I gone rated historic buildings along 4th street with lively mixed use streetscape on 5th. In collaboration with the nationally recognized consultants, land planners and Jeff spec, we pulled the office into the development to make for more vibrant and organic streetscape and help the retail where office users are not just towards one edge but brought towards the center if only half a block.

[11:01:20 PM]

The offices want to be part of the neighborhoods. This location promotes the vitality of the daytime users, slightly closer to the capmetro station, and the height gives a visual relief to the remaining blocks. It also makes the front court of the project a more mixed use building and it's smaller scale and textured facades become a welcoming first experience instead of the tower right on I-35. The project steps down as it goes towards the east, with the active community areas of the last building adjacent to the new park, leaving the rail station. The team placed a tremendous amount of importance on making an active, creative, local, varied, organic, and welcoming streetscape. We know this is how Austin will have experienced the project and taken great care in design of the landscaping and how retail will be held to a high standard and how it will be part of the open areas which are mentor true, shared, public/private neighborhood spaces for gathering. Thank you all for your time.

>> Mayor Adler: Thank you. Does the applicant want to close?

>> [Off mic]

>> Mayor Adler: I'm sorry? I didn't have you, but go ahead and speak, and then give your name. I mean give your name to the clerk.

>> Thank you, mayor. My name is Gavino Fernandez and I'm speaking to you as president of the neighborhood association, which abuts 3rd street all the way to 1st street. What I will all this discussion has been going on, I did call Frances Martinez, who's a former president, to discuss with her some of the -- to contact some of the existing homesteaders that still live on 3rd street and 2nd street that have been part of this whole process from back 20 years ago when -- I remember when Plaza Saltillo was being advocated for, this was the beginning of a long-term project that eventually was going to end up where we're at right now.

[11:03:22 PM]

In a lot of -- even back then, they made a lot of promises, a 12-story hotel, big chain food store that would come in, an H-E-B, a Walmart, or -- so all along, many ideas have been put on the table and have been explored, and I commend your concerns for our schools in that we need more affordable housing to house families. But Sanchez is gone. Martin has already been vacated for something else. So, unfortunately, the concern is a little bit too late. You know, the last time I went to a public hearing at aid, they didn't say we're going to keep Sanchez open. So I think that this is a great progress from where we're at in regards to leveraging and in regards to getting back -- money back into the community, investing back into the community. There are projects like this along these corridors, light rail corridors, in Boston, San Francisco, Portland, where revenues do go back into the community. And in this particular case, we have the TOD. This is a quarter-mile circle. Maybe we can start there. We can provide funds because there's still many -- you know, I always hear gentrification, gentrification, they're not there no more. Hey, we still live there. We're still there. There's families that are still there, Latino families that are still there. So it really concerns me when every time you speak of us as like that-beens, we're still there and we still pay taxes. And we strongly endorse that this proposal be adopted that that resolution be adopted, so we can move forward, this is one of the most creative, economic partnerships that I've seen in quite a while. Like I mentioned last time, this is one of the biggest economic investments in our community since that negative Holly Park plan was built in our community. So things have changed and things are changing. And, yes, we do -- you know, this isn't -- if you build an eight-tower building setting precedence, it's a far cry from setting precedence, 16 floors, around the neighborhood, around Town Lake, it survived and increased services to many people in the community.

[11:05:44 PM]

I want to convey to you from homeowners that live in that area, they support this and we're ready to break ground on this project. Thank you.

>> Mayor Adler: Does the applicant want to close? You have three minutes.

>> Thank you, mayor. You heard tonight that we are not complying with the regulating plan or following the rules. In fact, we are following the regulating plan. We have provided the required affordable housing, per the regulating plan. It calls for 15% from the developer and 10% from the city for a total of 25%, which has been consistent. We're requesting a fee in lieu for commercial space, which is office and retail. We are not requesting a fee in lieu for residential. The stationery plan specifically calls for a fee in lieu for commercial space, what you see on your screen. Developers of commercial properties, the fee in lieu for TOD should be required of commercial developments that utilize a high bonus and/or density

bonus that was written by the city's consultant. We have been consistent from our original proposal and we don't understand the comment about retrading. The additional office site brings benefits, revenue to the city of Austin, and capital metro. Go to the next slides, please. We wanted to reiterate the community benefits, which we've only talked about affordable housing tonight. There are workers protections, living wage for workers at 1303 an hour, higher level of safety training and insurance on site, independent third-party monitoring and workers defense is not opposed. The next slide. Also, connectivity, bikeway extension, 4th street improvements, great streets, pocket parks, San Marcos street extension, B cycle as well as a 1.4-acre public park, public amenities, developers maintaining the park, designing sustainability and environmental cleanup, innovative water quality and green building. In conclusion, the city staff supports the zoning.

[11:07:46 PM]

The neighborhood housing and community development department supports it, and transportation. The planning commission was in support. We have community support, as well as on first and second reading, city council support. So I would close in stating that this project addresses the two most important issues that Austin is facing, which are affordability and mobility. So we appreciate you -- us having the opportunity to speak tonight and look forward to the conversation and respectfully request your support. Thank you.

>> Mayor Adler: Thank you. That brings us back up to the dais. Now I'm going to -- I'm going to support the motion from councilmember Renteria and seconded by councilmember Garza. This is -- what is troubling about this, I think, for everyone -- because I think everyone is united in the same place here. The goal is to use the growth that we have in the city in order to be able to fuel and fund the affordability and the pockets of mixed income opportunity that we're going to have in the city. And unless we use that, we're not going to get it, and it'll be gone. And most cities are unable to do that, and we have to do better. So I think we're all trying to find the same goal. The frustrating thing here, and it goes back to what councilmember Garza said at the beginning, which is, nobody is really pleased about this, and it doesn't feel good because we're putting in four more floors and we're getting -- we're getting million dollars of housing investment from that. And there ought to be more additional community benefit that comes from four floors.

[11:09:52 PM]

I think that's the feeling that I think we all have. I think this is a unique situation because there is, in fact, more community benefit that would ordinarily be coming from this kind of development that is being realized here, and it's being realized by capital metro. Ordinarily, when a property owner comes in and says I'll do 70 feet, but if you let me do 125 feet, I'll give you more money. I'll give you several million dollars of additional affordable housing for that additional feet, then the city can give as a density bonus, well, we'll let you have four floors, but you actually have to give us several million dollars if you do that. But in this deal, the deal was structured such that capital metro said, also, a governmental entity, also something that desperately need in this community generally, and this area nowhere less than anywhere else, said, if you get the additional floors, there's additional, there's several million dollars that come from additional floors, we want to get that for our mission as capital metro. And I'll tell you that when we started this process, and you can tell by the questions I asked two weeks ago, I wanted that several-million-dollar not to go to capital metro, I wanted that several million dollars to come to us to spend it on affordable housing. That's why I asked the questions I asked last week. Because in a Normal situation with a Normal property owner, when you get for floors and there's going to be several million dollars more, we say we put it on affordable housing, but in this case, capital metro entered into

a lease with these people that said that if you're able to get that additional height, then we want the community benefit that comes from that. And two weeks ago, I -- I said I want that money that had a present value of four million dollars or something like that.

[11:12:01 PM]

So capital metro goes back and they -- and they deliberate. And, quite frankly, on Monday while I was waiting for capital metro to deliberate on that question, and we were all waiting to see what was going to happen in that room, I found myself also wishing that capital metro would keep all the money. Because we need transit in this city. Because we need affordable housing and we need mobility in this city. We need affordability and we need mobility in this city, and we have a community that -- that -- that really needs to have buses that are running, and running frequently, so that they can get around this city. I don't envy capital metro's board. I mean, they have a mission, too, and the people that I least envy in that moment probably were our three city council members that were both capital metro board members and also city council members. Because I don't know what I would have done if I had been in that room in that position. But capital metro board met, and they said, okay, there's a certain amount of community benefit here that we collectively get, the city and capital metro, we collectively get this. This is the boot, that in an ordinary situation we would apply all to affordable housing because capital metro wouldn't be involved. It would all come to us. But in this case, capital metro said, this is -- this is how we would divide it up. And they divided it up in a way that went 80/20. And I'm okay with that. Because it's 100% going to the community benefit. But that's where it went. That's where the money went that we're all here trying to figure out, where did it go, and why don't we have it, and why can't we put it all to affordable -- that's where it went. But that's okay because that was an important place for it to go to. So we have structured a deal that says that unless you give to the community, either in housing or in transit, unless you give to the community, that additional three, four, five million dollars in benefit, unless -- you don't get the height.

[11:14:15 PM]

That's what this ordinance says. If you don't give us the money, you don't get the height, in which case it's 70 feet, and the height isn't there. And if that happens, then shame on us because the only way we're going to build, be able to build pockets of mixed income housing is if we find opportunities like this to be able to get the community benefit, for us to be able to invest back. So shame on us all if this turns out just to be 70 feet. But it's a density bonus, so we can't make that happen. But if you want the additional feet, then you have to pay that community benefit. And I hope they do. The question came up that said, is this binding? That would be a concern for me, too, because if this money would come, and it wouldn't be invested back in this area, then it's a loss, and it's not real. Then the question is, how do you make that enforceable, and whether the resolution can make it enforceable? I'll tell you, when I filed the resolution on Friday, I just -- it was a placeholder, as I explained to the neighbors that came to me on Sunday. I don't know what that was -- it was a placeholder because we couldn't wake up tonight and decide that we needed one. But the question of enforceability was taken care of by the way capital metro did their resolution. Because capital metro said that it wasn't putting up its money unless the city also put up its money, and that endeavor put up its money, and it was earmarked back for that part of town. So no money comes from capital metro if this money, both from the city and endeavor, isn't spent the same way. Endeavor is in the same place. Endeavor can't pay their money, their 500, and get the height. They can't get it under the deal with us or capital metro unless the other components fall in place, too. Nobody gets to decide this one by themselves.

[11:16:15 PM]

Nobody can make this happen. This only happens, this additional height only happens if everybody does their piece of that. That's the enforceability. It's not the resolution. It's not our resolution. It's the resolution that came from capital metro that enforces that. Now, what's been drafted by Mitzi cotton supports that and provides belts and suspenders for that, but -- and that's good and that's helpful, but that's not -- enforceability comes from the other -- from the other part of the -- of the deal. To me, they're just two questions. Is this a place for that height? And in my mind, you know, I just -- a couple hours ago, I voted against density that I felt was in the middle of a neighborhood, even in a situation where the base zoning may have allowed for greater activity, I said no because it's in the middle of a neighborhood. In my mind, you do this at the corridors and at the centers. This is on a corridor, and it's in a tod development. If you're not going to do the height here, I don't know where you'd do it. So the first question is, is this an appropriate place? And the answer to me is yes. The second question is, are you getting sufficient community benefit? The answer is we're getting millions of dollars in community benefit. And I'm comfortable with it being divided between the housing and the transit and that's why I support your resolution. And I hope the pieces fall into play so that we actually get the community benefit from the height.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, and I want to thank everyone for coming out tonight and sharing your concerns with us.

[11:18:21 PM]

I'm not nearly as articulate as the mayor is, so it's hard for me to follow him, as his comments, but I hope you will bear with me. He just said that the growth in this city is to fuel something. I suspect that it's to fuel growth. And what it also fuels is the displacement of people who are struggling to remain in their homes. I don't think the majority of the people who bet everything on density and growth understand that the first time one of those apartments is sold, or a condo is sold, that's going to increase the value of everybody around that area. And that's what's causing people to leave this community. What we sell, we're selling our souls. That's my opinion. That's not everybody's opinion, but that's my opinion. We talk about neighborhood scale. We talk about community benefits. We talk about culture. Just this week, I think most of us received a packet from representative Eddie Rodriguez, and in there, there's a letter from cam capmetro dated January the 9th that talks about -- to the planning commission about all the wonderful things that this district is going to do, and it will be a truly multimodal center, dedicated areas for metro rail, bus, pedestrian only, paseos allowing neighborhoods to pass through, well designed, but all of this they have on this listing of things, they never talk about the impact that this development is going to do to the surrounding communities.

[11:20:32 PM]

The other thing they never talk about --

[applause] The other thing they never mention is the fact that this you'd to be a black community called mason town.

[Applause] I got a letter from the Travis county historical commission, Mr. Ward, who is the chair, and he said that back in may of 2014, they started having conversations with capital metro about this development, the fact that this was an African American colony, established in 1867, and had two churches, and the railroad came through, and then that made people able to have jobs as blacksmiths

and feed stores, also attracted working class whites as masons and Mireles, and in 1872, it listed African Americans still living in mason town. But in this development, in this multi-million-dollar development that's never mentioned, how soon we forget the people who helped build this community. For money. [Applause] So I ask, what is capital metro going to do, since this is their property? , To ensure that this history, this legacy, that most of us didn't even know about until the Travis county historical commission came up with, what are they going to do about signifying about mason town? They're going to put up a plaque. Where are you going to put up a plaque? Which part of the property are you going to put it up? On the I-35 side or on the east side or on the southside or the north side?

[11:22:39 PM]

One plaque? How will people know? What kind of interpretive things will you put up to say black people used to live here? They had several suggestions about architectural excavation. So you might, as you dig down, because you're going to have to dig down really deep to build something that's 125 feet tall, you might find some artifacts from the 1800s. What are you going to do about those if you find them? Nothing? It's not even discussed in all this wonderful stuff I get. So I just need you to know that I said last time that I didn't know who I was most disappointed with, capital metro, which is a public entity, or the developer, who I sat there when you all promised some of the things that you now say you didn't promise. I was in those meetings. And I don't think you all hear the pain in people's voices when, every time we come back, something different has changed. Something new has changed. And it's never for the people who live there. It's always for the new people who will come there. Somebody said tonight, this is not being built for us. And it's not.

[Applause] I have yet to see one of these wonderful, magical kinds of development things that included me and the people I care about in that development. They can't live there. They can't afford to live there. How do you feel welcome in a community, such as you're going to be developing for different kind of people? And once again, tonight I'm hearing about floating units. I guess that's -- means something to somebody, but again, that has no meaning for me because we need something that we can stand on and depend on.

[11:24:47 PM]

And floating units doesn't get it for me. Just like when you promised a grocery store, and now we don't have a grocery store.

[Applause] So all of these things we keep talking about the move-in price, but the move-in price is on the development side and the capital metro side. So I'm not going to be able to support this, as you can tell, I am upset tonight.

[Applause]

>> Mayor Adler: Anyone else on the dais want to speak? Mr. Renteria.

>> Renteria: You know, I grew up there. I -- that railroad yard was my playground. And let me tell you, right across that street, right there in the middle of those tracks was a big old scrap yard. If they find anything, it's going to be toxic waste and they already cleaned that up. It was a dump. That's where we recircled all the used, broken-down cars. That's what that place was. You still see the smoke stack there. It was an industrial area. It was a waste area. We -- it took years and years and years of money to clean up that site. It was a brownfield. That's what it was. Yes, we knew about masonville. We've been doing all kinds of research. We have a historic walking trail. And it's in our books. And we do look at that. We know exactly where it's -- the few -- last few African American people lived there, right there on 7th street. They still own the property. I grew up there off of lemon street. I know Mr. Davis. He was one of the owners there. You know. It wasn't a pretty site at all. You know. I -- my people, my people that I

grew up with in that area, that neighborhood, are gone. If you look -- you drive down there, you're not going to see no brown folk. We're not displacing brown folks.

[11:26:48 PM]

If you can afford \$600,000 that's how much it costs to buy a house in that neighborhood. I mean, I don't have to lie to you. Right there where gavino lived there, there's houses going for \$600,000, plus. Now, you're talking about why there's no brown people? Even John Trevino, our first Mexican American city councilmember, cannot move back in the east side because there's nothing affordable, and he's a renter. My best friend cannot live in the neighborhood he grew up. You know, that's what we're facing there. I'm trying to get as much affordable housing so we can get people -- and the reason why I did not want to reinvest all that money that we got, that we're going to get if this passed, into saltillo is because it's costing us too much money. We got a great group, non-profit groups like Guadalupe neighborhood corporation. We got habitat that have land in that area within the six-block radius that can use that money, can build better housing, cheaper, for a longer term. The Guadalupe neighborhood corporation built their home for 99 years at 50% rent or lower. Those are the kind of non-profit groups that I want to help out. You know, all of y'all guys, you know, that's fine. You know, y'all come in here, y'all -- I don't blame y'all. If I paid \$500,000 for my home or 400,000 or 300,000, I'd be kind of alarmed to say, hey, I don't want my neighborhood to change. I grew up right there on Haskell and comal, one block away from that 16-story building. That's my backyard. Did I complain about that? No. Did the people complain there when it went up? No, because if you look into that Rebecca Bain Johnson, you will see that the market rate is \$475.

[11:28:53 PM]

That's market rate. That is not what people pay there that are on social security. They get discounted rent there. So, I mean, if we fail to act on this project here and bring affordability, then you can guarantee that everybody is going to get kicked out of that area that's brown or low income. They're not going to be anybody left there. And you can guarantee that, because we are not providing any affordable housing. And people like -- oh, you want to wait three years, that's fine. We get a better deal. I've been waiting over 50 years to get a better deal there. And every time I turn, every year, I see people just disappearing that I knew. I don't even have a friend -- my friends are all white now. They're anglos. They're young. That's all I have there. My friends can't even live there. Especially the renters. The homeowners, you know, they're selling for \$500,000. They're moving out there, you know, into smaller units, further out on the southside or going toward the east side. They're buying a background new house for 200,000 and still have money left over. Yes, they can't afford the tax there. But it's going to happen. You know, the taxes ain't going down. It's going to go up. Especially when people keep on coming down here and can't find any housing, the traffic is so bad, everybody wants to move downtown so they don't have to drive. And they're willing to pay the 500, \$600,000 for a home. And you can just -- you don't have to believe me. You can go down and ask any realtor what those houses are going for. I have a daughter that lives right there on saltillo, within distance across the street of where it's going to get built, and she said, dad, I want you to build that. I want that height.

[11:30:53 PM]

I want that density here. I've heard that. So, I mean, that's my passion. My passion is to bring people back to grew up in that neighborhood. Not to displace people. And that's what I'm going to do. The renters are the ones that got displaced years ago. Years ago. And they haven't been able to find a way.

They're living out there in district 5, down south in district 9, you know, and they're living in these run-down apartments. It's pitiful. You go down burnet road and look in that neighborhood. You'll see those run had of-down apartments, paying market rate, those are the cheapest apartments they can find. There is none. So if you don't want any renters in this town, then vote against this project.

>> There's been a motion and a second. Is there any further discussion? Is that a "Yes"? Mayor pro tem.

>> Tovo: I am distributing on the dais an amendment that would require at least 50% of the affordable units within the 41 floating units, not the tax credit units, but at least 50% of the affordable units must contain two or more bedrooms and shall have the same minimum average unit size as the market rate units located in the same building. My rationale is as follows. This is a discussion we've had with regard to some other projects that were including affordable housing.

[11:32:59 PM]

I think it's really critical with regard to this project, in particular. Years before I served on this council, I was involved with my neighborhood association, and that got me involved in issues related to the school system and some school closures. I remember at the time the school district was proposing to close two of our elementary schools there were cries all across the community for the school district to work more closely with the city on issues related to our neighborhood schools, because in areas where we have underenrolled neighborhood schools that are at risk of closing, there are things -- I remember councilmember Mccracken at the time coming to the neighborhood council and saying if we know there are schools having challenges, we can do things as a policy body, as a city council, to try to help mitigate that loss of housing. We can, you know, target resources in that direction. We can look at some of the zoning cases differently. I mean in the years since we've done a variety of things including adopting the educational impact statement and other things to try to work more closely with our school district. Sanchez elementary school, which is the attendant zone that serves this neighborhood is, as you heard, at risk of closure. It is on the list for consideration of consolidation and closure. Some of the other schools in the area are also losing enrollment. They've lost significant enrollment. We had this conversation when we were looking at the short-term rental discussion, and I actually posted some information on the message board that looks at the declining enrollment in this part of the city. I think it's really important that in the decisions we make, we do what we can to try to -- to try to address some of the challenges that we see, and it's -- this may not be a successful motion, but I would -- I would just urge you to think about -- to think about some of the goals that we've adopted as a city, including the one to be the most family friendly city in the nation, as a prior council, that it is a mission of -- a stated mission of the city council to also try to reverse the trend of families with children moving out of the central city and to work in partnership with aid to try to keep our neighborhood schools open.

[11:35:33 PM]

And this is one of many, many decisions that adds up to -- that adds up to change. It can be positive change or it can be supporting the status quo, which at this point is the loss of families with children from this area. So that's my motion. And I would urge your support.

>> Mayor Adler: There's a motion. Is there a second to the motion? Ms. Pool seconds it. Ms. Kitchen.

>> Kitchen: I kind of have a procedural question. We already have a motion on the table that we haven't voted on yet. Shouldn't we -- and all these motions are not dependent upon each other. Shouldn't we vote on -- or what is the order here? Will we be voting on the motion that's already on the table and then keep taking more motions, or what is the process?

>> Mayor Adler: We have a base motion, which is the 40 and the three ordinances.

>> Kitchen: Okay.

>> Mayor Adler: And by the way -- and then this is an amendment to those, to include additional --
>> Tovo: It's just an amendment to the ordinance that's reflected in item 62 and an amendment to the ordinance reflected in 63. We have no ability at this point to make any changes to the tax credit application, which is the hundred units. The only thing we can impact is the 41. As you heard, there's a minimum of 6 of those 41 units, which is really six of the total 141 units that would be two bedrooms or more. And this would change it to 50% of the 41.
>> Mayor Adler: There's an amendment that's been made and seconded. This is something I can't support. If we had all of the money associated with the height, then we could come in and say -- we could argue for redistributing that money.

[11:37:33 PM]

I would love to have lots more family friendly units. But, unfortunately, that's not the choice we could make. We can get more family friendly units and less units, or we could say we need more money of the community benefit. So that's not something I can support. Ms. Pool.

>> Pool: Mayor, respectfully, I disagree. I think we can support this and for all of the reasons that the mayor pro tem has laid -- laid out. This is a part of town where the schools need the housing, for families, so the children can attend those schools. This is what the neighborhoods are looking for. If we -- so, it is entirely within our ability to say yes, and it does support policies that have been passed by previous councils and supported in many ways by this council. So I -- I think we can very well -- very well say yes to this amendment.

>> Mayor Adler: There's an amendment that's been seconded. Is there discussion? Those in favor of the amendment, please raise your hand. Houston, mayor pro tem, pool, kitchen, Garza, and alter. I'm sorry. It's late. Six votes. Those opposed, raise your hand. It's the balance. That amendment is adopted. [Applause] Any further discussion? Mr. Renteria has laid out a revised version of council -- of item number 40.

[11:39:33 PM]

Is there any objection to that version two being swapped out for the one he had that had the line down at the bottom I think that councilmember kitchen had requested? With no objection, that's now incorporated. Anything further? Ms. Pool?

>> Pool: I just passed out, and I think we need one more down this way -- I just passed out a motion sheet to return the proposal to track and align with the tod regulating plan. So what this does is amends to remove the fee in lieu and require that the property owner shall be responsible for providing affordable, habitable space equal to 15% of the entire square footage of the development with the option to provide additional affordable square footage. Part of this is a little bit moot because of the amendment that we just approved that came from the mayor pro tem, so if you'll look at number 3, and again, what this does is bring back the original deal. This is the -- this was the bid that endeavor made. 15% of the entire square footage. It is black and white in a regulating plan. So I think we can do this. It brings a heck of a lot more affordable units to this site.

[Applause] So that's my nothing to amend.

>> Mayor Adler: Is there a second to this motion? Ms. Houston seconds the motion. Ms. Hausman, there was an amendment that was just made and there's this amendment. Does that impact your ability -- your participation here?

>> Yes, sir, with the amendment that just passed, the project cannot be built.

[11:41:56 PM]

>> Mayor?

>> Mayor Adler: There's been a motion and a second to this motion.

>> Pool: And I would just reiterate that this returns the proposal to what was offered originally. This was the winning bid.

>> I want to clarify. That is not an accurate statement. It does not return the project to what was promised. We have been always doing 15% of the residential and providing the fee in lieu --

>> Mayor Adler: Mr. Dingledine I think we've gone through this issue numerous times. My concern on this is with the last amendment. I would love to have this percentage, 41 more units. In fact, I've attempted to amend it to make it 82 units because I'd much rather have 82 than 41, or amend it to make it 165, because I'd rather have 165 than 40. The problem is, is that -- that when we took the community benefit associated with the additional floors and decided that we would -- how we would spend that community benefit, then opted to spend that community benefit primarily to transit, as opposed to affordable housing, we made that choice. And I just hate to see us lose this opportunity here. I would imagine it'll go back to capital metro, and capital metro will bid it again, I guess. But anyhow, there's -- I won't support this, either. It's been moved and seconded. Is there further -- Ms. Garza?

>> Garza: I've mentioned before the tough position I'm in as both a capital metro board member and a member of this council.

[11:44:00 PM]

But -- and I took to heart, you know, everything councilmember Houston said and everything Renteria said. I absolutely understand the -- the comment that he said he's been waiting 50 years for this, and to feel like I'm making a decision that could set this project back additional years is very concerning for me. That being said, I can't support this amendment, but I have to support the additional two bedrooms. And if endeavor is saying they cannot do this deal because of that, then I guess it goes back to rfp and there will be a developer that will do it with those --

[applause] So I hope that we don't have to start it again. And this is all one giant compromise for everyone. So I can't support the 15%, but I stick by my previous vote, supporting mayor pro tem --

>> Mayor Adler: Ms. Kitchen, we're discussing councilmember pool's amendment.

>> Kitchen: I'm not going to be able to support this, either. My concern comes from negating the fee in lieu. I think that it's -- I don't have a problem with the fee in lieu. I mean, we have -- thank you, councilmember Renteria, for your description of the area and discussion of that. I mean, to me, it's -- I don't have a problem with using these dollars in the surrounding area. I think that it -- it actually gets us better bang for our buck. As councilmember Renteria so eloquently explained. And I think that gets us much closer to what we're trying to achieve. And so I cannot support deleting the fee in lieu.

[11:46:07 PM]

>> Mayor Adler: Further discussion on the pool amendment? Let's take a vote. Those in favor of this amendment, please raise your hand. Houston, mayor pro tem, pool, Ms. Alter. There's four. Those opposed, please raise your hand. That's the balance of the dais. That one is defeated. We're back to the base motion. Any further amendments? We'll take a vote. Those in favor -- yes.

>> Garza: I guess -- I mean, should we try to understand if there is something else that could be done in the light of the adoption of the two-bedroom amendment? I guess I would like to hear again from the applicant to see if there's anything -- I personally want to see something -- I think that everybody has made good comments. Of course this isn't my district but I think it's a really important decision that we're making here, and I think there was so much work and effort that went into this project, and to

have it fall apart without any discussion of what might be able to be done I think would be a shame. So I can say my request is if we can hear from the applicant again.

>> Mayor Adler: Do you all have a copy of that first amendment? Do you have a copy of that first amendment?

>> We do. I understood it was 50% of the 41 floating units will be two-bedroom. Is that what I heard correctly?

[11:48:07 PM]

I haven't seen the amendment.

>> Mayor Adler: There's a copy of it there.

>> I want to clarify one point. Is this amendment tied to the height of the office? Going to 125?

>> Tovo: If I could comment on it, it's tied to 62 and 63, which were amended as councilmember Renteria amended it to include that's an option with the contributions.

>> Mayor Adler: So does that requirement only come into play if they choose the additional height?

>> That was the question. If it's only the additional height.

>> Mayor Adler: Can you read that and see? Was it your intent that it only be included if it relates to the additional height?

>> Tovo: It was not.

>> Mayor Adler: I'm sorry?

>> Tovo: It was not.

>> Mayor Adler: It was not.

>> It was not.

>> Mayor Adler: I guess somebody could move to make it to that it only applies to the additional height. Ms. Hausman?

>> If it was only tied to the additional height at 125, 25% would be appropriate and could work.

>> Mayor Adler: I don't understand that.

>> So that the language is 41 affordable units, of which at least 50% of the affordable units must contain two or more bedrooms, which will have the same minimum average unit size. So what we're saying is, if the project is built over 70 feet, to 125, it would be 41 affordable units, of which at least 25% of the affordable units contain two or more bedrooms, and shall have the same minimum average unit size as the market rate units located in the same building.

[11:50:34 PM]

>> Pool: Mayor, I've got a question.

>> Mayor Adler: I do, too. What's yours?

[Laughter]

>> Pool: My first question was, I thought the 141 was at the lower height, and if it went up to 126, they were more -- there were more units. No? So what is the --

>> Mayor Adler: I don't think so. I think with the additional height, there was an additional \$4 million in benefit that went to capital metro. The only benefit that remained on site was taking two of the units and making them into two-bedroom units. Because the additional community benefit from the additional height went to transit instead of housing. So no. The number of affordable units did not change in the project with the additional height. The money for that, we decided collectively to give to capital metro for transit instead. I'm just not sure that I understand --

>> Pool: So that's not what -- if we can scroll back to second reading, we were talking about total develop square footage, if it was over a million, which is at 125-foot height on a portion of tract 1, the

percentages made that 184 units, and then the reason why it was 141 is because we were only talking about -- we were talking about less square footage, and the less square footage is because it's lower. So if we go up to 125, then I think we should be -- then that should be more units.

[11:52:35 PM]

And it should --

>> I can explain, I think. It was 15% of the residential. The extra height does not contain any residential. So it wouldn't affect the 15%.

>> Pool: Then that goes back to my wanting it to track the tod regulating plan, which is 15% of the entire square footage, which gets back to my original point. I understand why it was voted down, but I really think that we need to be very mindful of that the next time something like this happens because we just gave away a big chunk of potential affordable units. And I'm just not -- I'm not satisfied about that.

[Applause]

>> [Off mic] If that's the case, I'm going to withdraw my motion. It seems like, you know, I want to see it get developed, if we don't get enough affordable housing, but if that's the will of the council, I'm -- I'll be willing to just withdraw my motion for the additional 75 -- for 125 feet and we'll just go with what we voted on in first and second reading.

>> Mayor Adler: I hear that. I don't know how to get there. So you could move to amend the motions that are before us right now, that take out any additional height -- hang on. Hang on. He can't hear me. You can move to amend your motion to take out any allowance or option for height going to 125, which would serve to cut the payment to capital metro, but just stay at the 70 feet. But the issue with that is still -- my understanding is that the amendment that the mayor pro tem put on this is an amendment that's now on it, and that -- that amendment increased the affordable housing cost for even the 70-foot buildings.

[11:54:48 PM]

>> Renteria: It seems like it's going to die then, so we might as well just kill it and we'll come back in three years and figure it out.

>> Mayor Adler: We may have done that anyhow. But we have to -- we have to follow through with the votes. And what I was -- what I didn't understand -- my question was that -- Ms. Hausman, I didn't understand what you were suggesting as an amendment as it exists now, I don't know it would have the votes on the council, with respect to that affordable units containing two more bedrooms, that made it so the project was still viable.

>> What I was suggesting and clarifying is, I see mayor pro tem's motion as just part 2, density and height bonus, that would apply to 70 feet as well as 125-foot building. What I was trying to clarify was, does her amendment that was voted on for only a project that was 70 to 125?

>> Mayor Adler: No. I think what it's saying is that right now, under the existing ordinance, there's -- the bonus that you're putting into the building, without the extra height, because of the residences on site, the bonus -- isn't that requiring you to do -- you're doing an additional 41 units. Is that correct?

>> That's correct.

>> Mayor Adler: So those additional units that you're doing, with your project, even without the additional four floors in the office building --

>> That's right.

>> Mayor Adler: -- Those 41 units --

>> That's right.

>> Mayor Adler: -- The amendment from the mayor pro tem added the requirement that half of those had to contain two or more bedrooms and have the same minimum average unit size as the market rate units located in the building.

[11:57:01 PM]

So that's a requirement for the development, whether or not there would be four additional floors.

>> Correct. And what we were suggesting is, would it be possible to have that requirement for if the office building is increased from 70 to 125, and reduce that 50% to 25. Meaning the requirement four 25% of the units must contain two or more bedrooms and shall have the same minimum average size as market rate units in the same building would only apply if the office building was built over 70 feet to 125.

>> Mayor Adler: Someone to could make that amendment. Ms. Kitchen?

>> Kitchen: I'll make that motion.

>> Mayor Adler: Okay. Ms. Kitchen is moving to amend it so that the language added by the mayor pro tem only applies if the building goes to 125. And it would say that 25% of affordable units must contain two or more bedrooms and be the same minimum average size. Is there a second to that motion? Mr. Renteria seconds that motion. Any debate? Ms. Houston.

>> Houston: Help me understand. We're going to increase the height and decrease the number of affordable units.

>> Mayor Adler: What it says is that if the additional height is built, but only if the additional height is built, if that election is made, then 25% of the 41 affordable units, which was the bonus that was paid in the building, have to be two or more bedrooms and have the same minimum average size. So the amendment makes this effective only if the additional four floors are built, and it makes it so that it only applies to 25% of the units, as opposed to 50%.

[11:59:15 PM]

>> Houston: 50% of the. Units. That's what my defensive end is. It's late, way past my bedtime, so I think I said we give them the additional height, and we would decrease the percentage of affordable units --

>> Mayor Adler: That would have to I'm talking about two bedrooms because we're talking about families being able to live in this space so I'm only talking about two bedrooms.

>> Mayor Adler: So it's either 50% -- you either gonna cut it in half and increase the height or if you believe that there's not gonna be a building then you have created two-bedroom affordable units that you wouldn't have had otherwise. So if you think they would have built it then it cuts it in half. But if the building would never be built then you're getting affordable units that you wouldn't have otherwise gotten. So Ms. Kitchen's motion has been moved and seconded. Is there any discussion? Ms. Alter.

>> Alter: I don't like this situation at all, but I do have a question.

[Laughter] And it's late. But I'm wondering, there's part of this motion that also says that it has the same minimum average size as the market rate units locate in the building and I'm wonder fearing there's any compromise that could be had there because understand part of the problem is just having the right spacing more than the size of the unit in order for the families to be able to live in that space. And I'm just wondering if somehow that would make it a little bit more feasible. I don't know if that's possible to mayor pro tem or even desirable, but I'm just wondering that's another variable we haven't talked about as opposed to the other things that we've been floating.

>> Mayor Adler: I think the question she's talking about is if you didn't have the requirement for the same minimum average unit size could you increase the percentage that would be two bedrooms?

[12:01:23 AM]

Is that the question, Ms. Alter?

>> Because the units float, one of the positives that comes along with that is the interior finishes are the same. Lots of time you see affordable units have a lower end finish, in this case the affordable units have the same finish as the market rate. In addition to having access to the same amenities it provides that a affordable unit floats so unit 205 for instance could be a market rate unit one year and affordable unit the next year. So they move throughout the project. And so because of that, it needs to remain at the same unit mix or average square footage size because they float.

>> Mayor Adler: Ms. Garza.

>> Garza: I'm always uncomfortable in this position where we feel like -- where I feel like and probably many of us do that we are -- every deal depends on what the developer says that they will give. We heard last meeting that they couldn't give anymore, no more, no more, no more, that was it, that was it, that was it. But now we have an additional half million dollars on the table. And so I feel like we have -- there's two scenarios, two fair scenarios to me. They are the scenario of the additional feet with the 50% of the 41 and endeavor said they can't do that, or there's a scenario that won't kill the deal is my understanding and that's not giving the extra feet and keeping it what was at first and second reading. Because at first and second reading they said they could do that, the same amount of affordable units, it would take away the 50% but still it would be the same first -- that was at first and second reading, and that deal to my understanding would not kill the deal. So in my mind those are the two options for me. First or second reading or what has just been passed.

[12:03:28 AM]

But I -- I don't like being in this position. Basically the counteroffer of, well, we can do 25. So I can't support that, and I will stick with what we previously voted on.

>> Mayor Adler: I'm sorry? Ms. Kitchen.

>> Kitchen: So I understand what you're saying. So basically you're saying that perhaps the better course of action is just to go back to what councilmember Renteria was suggesting, which is that we just go back to the 70 feet and in which case we would not have this at all. I mean, that -- that's right. I mean, you just wouldn't have any certain percentage of them being family units.

>> Mayor Adler: So help me. Help me here. Because you guys are on the capital metro board. If we weren't going to get the extra height and give the \$4 million present value in payments to capital metro, we could have taken that money and bought tons more units in this building or we could have taken that money and spent it in the area for additional affordable housing, in other words there would be a lot more cash. So the yearly payment with the additional height, capital metro gets an additional lease payment every year. If we go down on height, capital metro doesn't get that payment anymore. If the reason we're going down on height is because we're not getting enough affordable housing and we would let them have the height if we had the affordable housing, then if capital metro would give us that money, which is the additional community benefit money, then we would have a lot more money to buy a lot more affordable houses.

[12:05:28 AM]

Now I'm not asking to do that. I'm just saying that the difference between -- I think in answer to councilmember Garza's question, the difference to going back down and just saying just do 70 feet is there's a huge capital -- a community benefit that comes from that additional height. But we decided to spend it -- most of it, 80% of it, to capital metro. So if you go down in height, we will be losing what was

a really considerable community benefit to capital metro. And that has to have value. And if it doesn't have value, then let's put all that money toward affordable housing if that's what has value. And it seems to me that they both have value and that's what you're getting for your additional height. You're getting four, \$5 million of additional community benefit. We could -- because that's the value of the lease payments, the present value of the lease payments that go to capital metro. If we take it down to 70 feet we don't get -- one, we don't get -- they don't get the height and we don't get the community benefit. If we took all of that community benefit and put it just on affordable housing, we could buy 20 more units in this building or we could buy 40, 60, 80 more units in the area if we wanted to by leveraging it and spending less.

>> Pool: Mayor?

>> Mayor Adler: It seems to me it's such a missed opportunity. Somebody should be getting the community benefit money from the additional height. And at this point I almost don't care if it's capital metro or affordable housing but somebody should be getting that additional benefit from those four floors and if we just do the four floors then nobody gets that benefit.

>> Garza: Wait. First of all, at our board meeting, capital metro board meeting it's not 4.4 million present value, it's actually less than that, was the number we were told.

[12:07:39 AM]

So it's less than that. Second it's kind of a imaginary number. Let's say the present value is 3 million. That 3 million is not in a bank somewhere. That's the present value of over time the rent of that coming in, so it's really -- and, again, this is a tough position because it's about 130,000 a year. That's what it is a year for income for capital metro. That's what cap metro is losing, 100,000. So it's not as easy as saying we could have gotten \$3 million in affordable housing or 3 million in cap metro because it's not used that way. It's an imaginary number, if they sold the value of it today and they're not doing that, nobody is asking them to do that, nobody is buying it. So --

[applause]

>> Mayor Adler: Ms. Alter and then Ms. Kitchen.

>> Alter: I asked about this two weeksing and I asked to have numbers -- two weeksing ago and tom knowledge that number is not shared with us and now we're hearing that's even lower than we thought. I'd appreciate if someone can clarify for us exactly what that marginal amount is that's going to cap metro from that extra height on an annual ambitious you can also give us the net present value but on an annual basis if it's 130,000 -- how many million dollars is capital metro's budget here? 300 million? Is that what we said last time. So, I mean, the difference that we're making in cap metro's budget, while it does have impact, if it's \$130,000 a year out of 300 million, you know, there are trade-offs there. But I'd appreciate the clarification.

>> Kitchen: Let me explain something else to you. Cap metro legally cannot -- could not give all that money to the city.

>> Mayor Adler: And I wasn't -- I was fine with the 80/20 split that y'all came up with. I was fine with that because to me that's a significant benefit.

[12:09:41 AM]

We could ask Mr. Canally who is here what the plenty value is of \$130,000 a year for 99 years.

>> Kitchen: And also, Mr. Mayor --

>> Mayor Adler: Yes.

>> Kitchen: Just the kind of arrangement that cap metro voted on Monday was a way to put -- to do the dollars in such a way that it was of more value than just the hundred thousand a year.

>> Mayor Adler: And I support what capital metro did.

>> Kitchen: Yeah.

>> Mayor Adler: As I said earlier, I'm real comfortable with what they did because I think it's a significant benefit for capital metro.

>> Kitchen: Yeah. I think if you're hearing people back off of that it's just because I'm not feeling support on the dais and maybe there is support, maybe there's not, and I don't want to lose the project. The project is critical for capital metro. And so I'm just trying to find a way to get us back to where --

>> Mayor Adler: Let's ask for a vote on your motion.

>> Kitchen: Yeah.

>> Renteria: Mayor, it's 138,000 and that's 20% because capital metro is gonna keep 80% of that money.

>> Mayor Adler: Right.

>> Renteria: So they're gonna lose a lot more than just 138. They're willing to give that 138 back to affordable housing instead of the lease. But it's a lot more.

>> Mayor Adler: So the amendment from -- let's put it to a vote and let's see.

>> Alter: Can I get an answer to my question.

>> Mayor Adler: Hang on one second let me repeat and then we'll go to you. The amendment that's on the flooring Ms. Kitchen's amendment, is to make the language added by mayor pro tem tovo apply only if the height is achieved and then to apply to 25% of the 41 units. That's been moved and seconded. So that's what the debate should be on right now. Ms. Alter.

>> Alter: I think that the alternative, though, to that -- I mean, is what happens if we don't have the height?

[12:11:42 AM]

And I -- you've been asking about, well, if it's 70 or 125 and if we're gonna make a decision on that it's important that we know what the real numbers are of the benefit that's going to cap metro so we know what we're forgoing if we choose to forgo it. And I don't --

>> Mayor Adler: So Mr. Canally, can you give us a present value calculation?

>> Kitchen: Could I make -- I don't think that that's the issue. I think the issue is that what we're forgoing is the arrangement that we talked about, which is the \$1 million or so. That's what we're forgoing if we don't go with the --

>> Mayor Adler: For affordable --

>> Kitchen: It's actually more than a million. It's the dollar amount in councilmember Renteria's --

>> Renteria: Five years, you're looking at over five and a half \$000 million and that's how d5 and a half million dollars.

>> Kitchen: I think that's the number to consider.

>> Alter: I actually asked for a different number and I think I have the right to know the number of what is being forgo if I'm being asked to vote on it.

>> Mayor Adler: What number would you like?

>> Alter: I would like to know how much revenue is going to cap metro if we went from 70 to 125 feet, totally apart from whatever we do on affordable housing, because that's what we would be forgoing if we give that up. Then we're gonna take out of that money some money that's gonna go to this million and whatever. But before we do that, there's something that -- there's a community benefit that's going to cap metro that I don't know how to quantify.

>> Kitchen: It's basically the 540,000 is 20% of the total dollar amount that is -- that is the value to cap metro. So you can back into it that way or someone else can let us know.

>> Alter: But that's the net present value, 20%? So the net present value is 2.7 million where we had four point something two weeks ago.

[12:13:44 AM]

>> Mayor Adler: We have different people. Mr. Canally, can you help us here? I mean, it all depends on what discount rate you use. Is what determines what the present value of that is.

>> Alter: It also depends on how much you get, what you discount.

>> Mayor Adler: That's a given because we know the lease payment is \$138,000 a year for 99 years. That part we know. From the lease. Is that right?

>> It's post-midnight.

>> Mayor Adler: I used just a button on my calculator, you hit mpv and it gave you a number.

>> Again, I think when you look at the overall -- the revenue that would come from the additional height, obviously that comes in over time. It's tied to the property tax valuation that you put in the ground and over 99 years that grows. In the case to be -- to the city, I think I have my numbers correct, for the cap metro money, that starts at about \$120,000 and it goes up over time to about \$39 million. The net present of that is about 4 million. So I think both answers are correct to give you the economist speak. There's an annual amount each year that goes into a budget over time there's a nine year lease -- there's a 99 year year lease payment. There's about \$70,000 from that additional four floors, again, based on a projected value that depending on what the market is at that time. So the incremental year to year is at those amounts over time over a 99 year period as you look at that that net present value is about two and a half million dollars from the city's perspective so there's two sides of the equation.

>> Mayor Adler: Okay. Thank you. The motion is on the floor, the amendment from councilmember kitchen. It's been seconded.

[12:15:46 AM]

Is there any further discussion.

>> Pool: And what is that again?

>> Mayor Adler: The amendment is to make the language added by mayor pro tem only apply if the election is made to go to 12 stories and if it doesn't then it's 25%. Eight stories. Sorry for the addition.

>> It's late.

>> Mayor Adler: Real late. That was rbj. Only if the addition would go from 70 to 125 feet this would apply. And it would be 25%. It's been moved and seconded. Ready to take a vote? Those in favor of the kitchen amendment please raise your hand. Flannigan, Casar, Adler, kitchen, Renteria, and troxclair. Those opposed? It's the others on the dais. Four --

>> Pool: There's five us.

>> Mayor Adler: 6-5. That amendment passes. We're now back into the main motion. Any further discussion?

>> Which main motion?

>> Mayor Adler: This is the whole kit and caboodle, number 40 -- 62, 63, 64 with the amendments that have been added or changed. Those in favor please raise your hand. Those opposed. Houston, mayor pro tem, pool, and alter voting no. The other seven voting aye. It passes. Thank you. We have one item left. It is 12:17. What's y'all as I pleasure. We have people who have been waiting an awfully long time.

[12:17:49 AM]

>> Kitchen: Mr. Mayor, can I make an observation. It's midnight. This one is probably gonna be at least as complicated or more than the last one. I'm just not sure that it's appropriate to try to deal with this.

So we had something like this happen once before, where we allowed -- we had people speak that were here but we did not try to debate it at this time of night. So I make that observation for the group for discussion.

>> Pool: Mayor.

>> Mayor Adler: Ms. Pool.

>> Pool: I might suggest that we give people -- ask them if they want to speak, but if we are going to postpone it maybe everybody from the neighborhood to the applicant to us on the dais would benefit from just -- for another day.

>> Mayor Adler: We have --

>> May I?

>> Mayor Adler: 114 minutes of estimated time. Ms. Alter?

>> If we do decide to postpone it, I would ask that we make it -- every effort possible for it to come up at a reasonable hour. This was already the second time.

[Applause]

>> Alter: You know, we were debating this last on December 15 until one in the morning or something like that already. It is really not fair to make such big decisions on large properties when we're all fried, which if that wasn't evident, I think will become even more evident as we go. Did I not want to ask for a postponement -- I did not want to ask for a postponement. You guys are asking for it. If we have it, I think we have to make sure that this comes back with a very clear time that it's gonna happen at X hour.

>> Kitchen: Yeah.

>> Alter: So that people can plan. We've wasted a lot of people's time waiting until now.

>> Mayor Adler: I apologize. I think we can pretty much guarantee --

>> Renteria: I second that.

>> Jerry rusthoven, planning and zoning.

[12:19:50 AM]

I spoke to the applicant, their position is they would like to have a public hearing and they're okay with a postponement and I spoke with the opposition and they're okay with the --

>> Mayor Adler: The applicant would like to hear testimony and the neighbors would liking to home.

>> The applicant is okay with the decision being made later but they'd like to hear testimony.

>> That's unfair!

>> Mayor Adler: Wait, wait. Is that unfair? You want to stay or unfair you wanting to home.

>> Go home!

>> Mayor Adler: Is there a motion to postpone this item until the 23rd? Ms. Pool makes that motion. Is there a second? Ms. Garza. Any discussion?

>> Renteria: To make sure we don't make -- the first day on the zoning --

>> Mayor Adler: Well -- my guess is what we'll do, do the same thing we did today. This would be a really time certain in midday so that people who can't be in here in the anticipating can testify like we had this morning and then we'll set a time in the evening that we'll actually just hit, okay? Probably right after dinner we'll just start with the public hearing in this case. Okay?

>> Is it appropriate to hear from the applicant about the postponement? I feel like we normally --

>> Mayor Adler: We could --

>> At least allow them to address the postponement.

>> Michael whellan. Obviously I'm sympathetic to what is about to happen and you wanted a two-week postponement on February 2, we got another two-week postponement thereafter. We've had a whole team of people here waiting, and I know the neighborhood has been waiting. I feel like it's a good opportunity to at least get some facts in front of you we can probably -- I know we're prepared to limit

ourselves to no more than 30 minutes of testimony so that we can at least get in front of you on the record where we are, and then we will have focused debate and ability to answer questions once we're back on the 23rd.

[12:22:11 AM]

>> Mayor Adler: I would agree to this. If there are people here that want to testify, I'll stay to listen to them but I don't close the public hearing so that if people want to leave they have the ability to be able to leave and come back. So if you want -- if truly you want -- while we're here to come and talk because you have people here I'll stay and listen but if you have people that wanting to home I'll let them go home.

>> Come back and testify again?

>> Mayor Adler: No, no. Everybody gets to testify --

>> One time here on that, you get to testify here on out, is that what you're saying?

>> Mayor Adler: On first reading, yes.

>> On second reading.

>> Mayor Adler: On second reading.

>> But we can keep it open on third if we choose.

>> Mayor Adler: Sure. We make that decision later on.

>> Can we have second and third reading on March 23 instead of just second reading then as a compromise?

>> No!

>> Most times these cases are heard on second and third reading, as you know.

>> Mayor Adler: I would say probably not and the reason insofar is because there's a lot more in play right now. If we could have a full conversation on it today then I think it would be appropriate then to go to third reading but the concern I think is that it hasn't been laid out.

>> Well, you know, it just -- it feels -- and, again, as you can imagine it gets awfully expensive to have consultants and lawyers and bodies and --

>> We don't care.

>> Mayor Adler: Hey, shhh.

>> Anyway.

>> Mayor Adler: No, no. I understand. And I can only offer most heartfelt and sincerest apologies. This was a difficult last six hours up here as well that we didn't anticipate would be that. What's the council's pleasure? Ms. Garza.

>> Garza: I mean I sympathize with what Mr. Whellan just said, but I think you would -- the point is that I don't think very many of us are very coherent right now and if the goal is to lay out facts right now, I think you'd want to lay out the facts when we're a little more alert.

[12:24:19 AM]

So and I -- and in councilmember troxclair's defense she didn't ask for this defense --

>> Alter.

>> Garza: I'm sorry. Proof we're not coherent right now.

[Laughter]

>> Because nobody ever does.

>> Mayor Adler: Better you than me.

[Laughter]

>> Garza: Anyway, others of us have requested this, not councilmember alter.

>> Mayor Adler: Okay. We have a time certain for the meeting --

>> We have a time certain for the 23rd. Normally we'd set it for 2:00.

>> Mayor Adler: Let's set it for 2:00. Give people an opportunity to be able to testify at 2:00 if they want to be here in the afternoon and then I would say we'll also set it to right after dinner when we reconvene, we'll go immediately into this case. Does that time work, timing okay? Okay. That's the motion. Is there -- and --

>> Alter: That will be confuse to go communicate but we'll figure out how to communicate it. To confirm that we're understanding that it will -- we will begin it at 2:00 right after we do the consent agenda for zoning and then if people want to testify at that point they can, including the applicant, and then we will come back right after dinner and take it off and continue wherever we left off.

>> Mayor Adler: Yes. And we really will take it up when we get back from dinner.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay? That's on second reading.

>> Second reading.

>> Mayor Adler: Those in favor of the postponement please raise your hand. Those opposed. That's everybody on the dais except his Houston who has gone to bed. It is 12:25 and we stand adjourned.

[Adjourned]